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19 IN THE UNITED STATES DISTRICT COURT
20
21 FOR THE CENTRAL DISTRICT OF CALIFORNIA

22
23 **RENO MAY, et al.,**

24 Plaintiffs,

25 v.

26 **ROBERT BONTA, in his official**
27 **capacity as Attorney General of the**
28 **State of California, and Does 1-10,**

29 Defendants.

30 Case Nos. 8:23-cv-01696 CJC (ADSx)
31 8:23-cv-01798 CJC (ADSx)

32 **COMPENDIUM OF HISTORICAL**
33 **LAWS AND TREATISES CITED**
34 **IN DEFENDANT'S OPPOSITION**
35 **TO PLAINTIFFS' MOTION FOR**
36 **PRELIMINARY INJUNCTION**
37 **AND SUPPORTING**
38 **DECLARATIONS**

39 **VOLUME 4 OF 4**

40 Date: December 20, 2023
41 Time: 1:30 p.m.
42 Courtroom: 9B
43 Judge: Hon. Cormac J. Carney

44
45 **MARCO ANTONIO CARRALERO, et al.,**

46 Plaintiffs,

47 v.

48 **ROB BONTA, in his official capacity as**
49 **Attorney General of California,**

50 Defendant.

Exhibit 180

An Ordinance.

MISDEMEANORS.

Be it enacted by the Board of Trustees of the Town of Rocheport as follows:

SECTION 1. DISTURBING THE PEACE. Every person who shall willfully disturb the peace of any other person or persons, by loud and unusual noise, loud and offensive or indecent conversation, or by using any profane or offensive language calculated to provoke a disturbance of the peace, or by threatening, quarreling, challenging, or fighting, shall be deemed guilty of a misdemeanor and, upon conviction, fined not less than five dollars.

Sec. 2. CONCEALED WEAPONS. If any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any court room during the sitting of the court, or into any public assemblage of persons met for a lawful purpose, having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slunk-shot, or other deadly weapon, or shall, in the presence of one or more persons, exhibit any such weapon in a rude, angry and threatening manner, or shall have or carry any such weapon upon or

about his person when intoxicated or under the influence of intoxicating drinks; or shall, directly or indirectly, sell or deliver, loan or barter, in any minor any such weapon without the consent of the parent or guardian of such minor, he shall be deemed guilty of a misdemeanor and punished by a fine not less than ten dollars nor more than twenty-five dollars.

Sec. 3. **BETTING PROHIBITED.** Any person who shall play any game for money or property with cards, dice, or any other device, which may be adapted to or used in playing any game of chance; or shall, bet or wager on the hands, or cards, or sides of such as do play as aforesaid, shall be deemed guilty of a misdemeanor and, on conviction, be fined not less than five dollars.

Sec. 4. **HOORSES RIDING AND DRIVING.** If any person shall unnecessarily ride or drive any horse or other animal upon or through any street or alley at a greater speed than a moderate gait, or shall so negligently ride or drive any such animal as to cause such animal, or the vehicle thereto attached, to come in contact with, or strike and injure any person or property; or shall, leave any such animal standing in any street, ally, or open lot, without being fastened or so guarded as to prevent its running away, or shall turn any such animal loose upon any street or alley, he shall be deemed guilty of a misdemeanor and, on conviction, be fined not less than five dollars for every such offense.

Sec. 5. **OBSTRUCTING PASSAGE ON STREETS.** Whoever shall, upon or near a street or alley, fly a kite, or engage in any sport or exercise likely to scare horses, injure persons passing upon such street, or embarrass the passage of vehicle, shall be deemed guilty of a misdemeanor, and, upon conviction, be fined not less than one dollar nor more than ten dollars for every such offense.

Sec. 6. **HITCH RACKS.** Any person who shall hitch any horse, mule, or other animal to any tree, post, block, fence, or other thing on Central street, between Third and Water streets, shall be deemed guilty of a misdemeanor, and fined not less than one dollar for every such offense. Provided, that this section shall not apply to doctors, nor to merchants, or butchers running a delivery wagon in connection with their business, and who shall be allowed to hitch such animals, so used in their business, to a post firmly set in the ground, at the edge of the sidewalk, immediately in front of their respective business houses. It shall be the duty of the Marshal to immediately remove or cause to be removed, all posts, rings, or other contrivances heretofore used for hitching purposes, except such as are herein provided for.

Sec. 7. **PRISONERS REFUSING TO WORK.** Any person adjudged to labor shall fail or refuse to obey any reasonable requirement of the Marshal, or to labor as directed, he shall be deemed guilty of a misdemeanor, and fined not less than ten dollars, for every such offense, to be enforced as other fines.

Sec. 8. **MARSHAL POSSE.** If any person, over the age of eighteen years, who, when called upon, by the Marshal or assistant Marshal, to act as a posse to aid him, in arresting and taking prisoner any offender, shall refuse or neglect to do so, he shall be guilty of a misdemeanor, and fined three dollars.

Exhibit 181

RULES AND REGULATIONS.

Be it resolved, that the Rules and Regulations for the government of the Yosemite Valley and Mariposa Big Tree Grove be amended to read as follows:

I.

No person shall reside or transact business within the Yosemite Valley and Mariposa Big Tree Grant without permission from the Commissioners.

II.

No application or residence or privilege to transact business within the Valley or Grove shall be considered if the applicant be in arrears to the Commission. Applicants must be in good standing.

III.

Any person having permission to reside or transact business within the Valley or Grove, who shall transfer or sublet the whole or any part of the premises or business in said permit, without the written consent of the Commission, shall *ipso facto* forfeit the same.

IV.

The Guardian shall report to the Board all persons residing or transacting business within the Grant without permission, and shall cause the immediate discontinuance of such residence or business.

V.

No person residing or transacting business within the Grant shall retain in his or her employ any person who is detrimental to good order or morals.

VI.

Upon complaint made to the Commission by the Guardian against any person specified in Rule V, the employer of such objectionable person shall be notified of the facts, and the employé must be dismissed.

Exhibit 182

CHAPTER XXXIII.

PARKS.

367. Central Park.] § 1. That block 113 in the Railroad Addition to said city shall be called and hereafter known by the name of Central Park.

368. Unlawful to Cut Grass, etc.] § 2. That it shall not be lawful for any person to enter upon and cut or remove any grass or other article from Central Park without permission from the proper officer; nor to turn into said park any cattle, horses, hogs, or other animals; nor to hitch, fasten, or tie any animal whatever to any tree, fence or gate around the same; nor to cut, break, or deface the trees or fences around said park; nor to cut, injure, climb upon, break, bend, or destroy any tree, shrubbery, plant, or ornament, or the boxing or railing around the same, growing or being in said park. Any person violating any of the provisions of this section shall be fined in any sum not less than ten dollars nor more than one hundred dollars for every offense.

369. Offenses.] § 3. All persons are forbidden to carry firearms, or to throw stones or other missiles in said park. All persons are forbidden to cut, break, or in any way injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, or other constructions, or property within or upon the said park. No person or persons shall lounge or loiter in said park after eleven o'clock of any night, nor shall any person or persons do therein any obscene or indecent act. Any person violating any of the provisions of this section shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

370. Committee on Public Grounds to Have Charge of.] § 4. It shall be the especial duty of the Committee on Public Grounds to care for said Central Park and to see that the rules concerning the same are strictly enforced. Said committee shall see each spring that said park is supplied with suitable seats or benches, and that the same are painted and placed therein;

Exhibit 183

REVISION OF 1904

THE

GENERAL ORDINANCES, *et*

OF THE

CITY OF INDIANAPOLIS

CONTAINING, ALSO

ACTS OF THE INDIANA GENERAL ASSEMBLY

SO FAR AS THEY CONTROL SAID CITY

TO WHICH IS PREFIXED

A CHRONOLOGICAL ROSTER OF OFFICERS

FROM 1832 TO 1904

AND RULES GOVERNING THE COMMON COUNCIL

Collated and Annotated by Edgar A. Brown and William W. Thornton, Commissioners.

PUBLISHED BY AUTHORITY OF THE CITY OF INDIANAPOLIS.

INDIANAPOLIS

WM. B. BURFORD, PRINTER AND BINDER

1904

AN ORDINANCE regulating the use and enjoyment of parks, park grounds and parkways of the City of Indianapolis, providing penalties for the violation of the same, repealing all conflicting ordinances, providing for the publication thereof, and fixing the time when the same shall take effect.

[Approved June 30, 1896.]

1968. When Open for Public—Entrance. 1. *Be it ordained by the Common Council of the City of Indianapolis, Indiana,* That the parks shall be open to the public from 5:00 a. m. until 11:00 p. m., and no person other than employes shall be permitted to remain therein, except when open as herein specified, and no person at any time shall enter or leave any park except by the established entrances, walks or drives.

1969. Writing on Park Buildings, etc. 2. No person shall write, cut, mutilate or deface in any manner any building, fence, bench, masonry, statue, ornament, or tree in any public park.

1970. Injury to Flowers or Trees. 3. No person shall pull, pluck, break or touch any flowers or fruit, whether wild or cultivated; cut down, girdle or break down any sapling, tree, shrub or plant; break or bend limbs or branches of trees or bark trees; or bend, pluck, handle or injure any trees, flowers, shrubs or plants whatever, or limbs, twigs or leaves thereof, or climb any tree in any public park.

1971. Discharging Fire-Arms. 4. No person shall discharge any fire-arm, or have possession of any fire-arm within the limits of any public park.

1972. Use of Profane or Abusive Language. 5. No person shall use profane, obscene, threatening or abusive language, or fight or throw any stone or missile, or behave in a disorderly or improper manner, or commit any offense against decency or good morals in any public park.

1973. Starting Fire in Park—Molesting Animals. 6. No person not an employe shall make a fire for any purpose within the bounds of any park; and no person shall chase, catch, injure, molest or disturb any animal, bird or fish kept within any public park for the use, instruction or entertainment of the public, nor shall any person give or offer to give any such animal tobacco or other noxious article.

1974. Animals or Fowls Trespassing on Parks. 7. No person being the owner or having control of the same shall suffer or permit any chickens, ducks, geese, hogs, cattle, horses, sheep, or goats, or other animals or fowls to stray into, run at large or trespass upon any public park land.

1975. Fastening Horse to Tree. 8. No person shall fasten a horse to a tree, or bush, or building, or leave the same unattended, or be permitted to bring or lead horses within the limits of any public park, or a horse that is not harnessed and attached to a vehicle or mounted by a rider.

Exhibit 184



Exhibit 185

PENAL ORDINANCES

Relating to the Use and Government of the Public Parks and Parkways of the City of Rochester.

Passed August 26, 1896.

The Board of Park Commissioners of the city of Rochester do enact as follows:

DEFINITIONS.

SECTION 1. The terms "parks" used herein shall be construed to include all lands and waters under the control of the Board of Park Commissioners of the city of Rochester, except parkways, and the term "said Board" shall be construed to mean the Board of Park Commissioners of said city.

GENERAL RULES AS TO USE OF PARKS.

SECTION 2. The parks of the city of Rochester are for the benefit and pleasure of the public, and every person shall use said parks subject to the ordinances of said Board.

The roadways in the parks shall not be used by any vehicles except those employed for the purposes of pleasure; the rides and bridle paths shall be used only by persons on horseback or bicycles, and the walks shall be used exclusively by pedestrians, except that baby carriages and invalid chairs and children's carts and tricycles may be propelled thereon.

This section shall not apply to vehicles used by order of said Board.

The parks shall be closed from 11 o'clock P. M., until 5 o'clock A. M., during the summer season, and from 10 o'clock P. M., until 7 o'clock A. M., during the winter season; and no persons except employes of said Board on duty, or members of said Board, shall go into, or remain in said parks, while closed. The summer season shall be from April 1st until November 15th, and the winter season shall be from November 15th until April 1st.

ACTS PROHIBITED

SECTION 3. No person shall commit any of the following acts within said parks:

1. Commit any disorderly or immoral acts.
2. Be intoxicated.
3. Throw stones or missiles.

CITY OF ROCHESTER.

97

4. Utter loud or indecent language.
5. Play any game of cards or chance.
6. Tell fortunes.
7. Beg.
8. Publicly solicit subscriptions.
9. Drive or lead a horse not well broken.
10. Allow any dog to run at large.
11. Throw or drain offensive substances into any park waters.
12. Bathe in park waters without having the body concealed by suitable covering extending from the knees to the shoulders.

ACTS PROHIBITED WITHOUT PERMISSION.

SECTION 4. No person shall commit any of the following acts within said parks without the consent of said Board, or some duly authorized person.

1. In any manner injure any tree, plant, grass, flower, fruit, turf or structure.
2. Keep or offer anything for sale.
3. Play any music.
4. Post or display any sign, banner or advertisement.
5. Deliver any public speech.
6. Solicit passengers for any boat or vehicle for hire.
7. Obstruct in any way a roadway or path
8. Discharge any firearm or fireworks or send up any balloon.
9. Permit any animal, except horses and dogs, to enter said parks.
10. Ride or drive any animal or vehicle at a speed exceeding eight miles per hour. This shall not apply to the vehicles of the fire or police departments, ambulances, nor vehicles used by physicians when actually engaged in responding to emergency calls or to driving on the "speedway" in Genesee Valley Park.
11. Hold any picnic at a place not designated by said Board for that purpose.
12. Hold any public meeting or engage in any marching or driving as members of a military, political or other organization.
13. Conduct any funeral procession nor vehicle containing the body of a deceased person.
14. Build any fire.
15. Write, paint or carve on any tree, bench or structure.
16. Climb any tree, nor tie any horse to a tree.
17. Enter any place upon which the words "No Admittance" shall be displayed.
18. Play baseball, tennis, nor any other game at a place not designated by said Board for that purpose.
19. Take ice from any park waters.
20. Fish in any park waters.
21. Bathe in any place not designated by said Board for that purpose.

Exhibit 186

**FIREARMS REGULATIONS
1897 – 1936**

YELLOWSTONE NATIONAL PARK³

1. Regulations of June 1, 1897 –

(5) Hunting or killing, wounding or capturing, of any bird or wild animal, except dangerous animals, when necessary to prevent them from destroying life or inflicting an injury, is prohibited. The outfits⁴, including guns, traps, teams, horses, or means of transportation used by persons engaged in hunting, killing, trapping, ensnaring, or capturing such birds or wild animals, or in possession of game killed in the park under other circumstances than prescribed above, will be forfeited to the United States, except in cases where it is shown by satisfactory evidence that the outfit is not the property of the person or persons violating this regulation and the actual owner thereof was not a party to such violation. Firearms will only be permitted in the park on written permission from the superintendent thereof. On arrival at the first station of the park guard, parties having firearms will turn them over to the sergeant in charge of the station, taking his receipt for them. They will be returned to the owners on leaving the park.

“Rules and Regulations of the Yellowstone National Park,” June 1, 1897. *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1898, Miscellaneous Reports [vol. 3]* (Washington: Gov’t Printing Office, 1898), p. 972. See also, Act of May 7, 1894, ch. 72, 28 Stat. 73, in particular, §4 (28 Stat. 74).

N.B. In his report to the Secretary of August 31, 1897, the acting superintendent, Maj. Gen. S.B.M. Young, United States Volunteers (Colonel Third Cavalry), wrote in connection with this regulation:

Carrying Firearms through the Park

The custom of carrying firearms through the park has been almost universal among those who live in the neighboring States and travel in their own conveyances, or on saddle animals accompanied by pack animals. During the first half of the season it was found that many firearms, fastened with red tape and sealing wax at the point of entry, had broken seals at the point of exit. In many cases it was evident that the seals were broken by accident; others showed signs of having been broken and resealed. To remedy this a new system of sealing has been adopted similar to that used by express companies

The regulation prohibiting firearms in the park, except on written permission from the superintendent [in which case the arms were sealed], has been strictly enforced. It is essential to the protection of the park.

³ The very first park regulations were apparently promulgated by Secretary of the Interior Columbus Delano at the time of the dedication of YELL. They are attached hereto as Appendix A.

⁴ The first park regulations to mention “outfits,” were the YELL regulations of July 1, 1888, reproduced in Appendix C. The interim regulations, dated May 4, 1881, are found in Appendix B.

A certain sentiment of hostility toward the park and of antagonism toward the efforts of the authorities to protect the wild animals from destruction has existed and continues to exist among the ranchers and the people of the settlements near the park boundaries. This feeling of hostility seems to be due to an idea, which prevails widely, that a reservation of any part of the public domain for the perpetual benefit of the whole people is an invasion and an abridgement of the private rights of the people of the adjoining region. This idea naturally arises from an ignorance of the benefits that result from such reservations to the people of the whole country and an equal ignorance of the advantages which accrue to the inhabitants of the immediate vicinity. In consequence of the benefits which have already resulted to this region from the existence of this park as a breeding place from which the surplus game may wander down into the adjoining country where it may be freely taken, and from the opportunities afforded by the park for remunerative employment during the summer season, there is already a marked diminution of this hostile feeling. As these benefits come to be better understood I believe that this hostility will further diminish, and my best efforts shall be devoted to the encouragement of a friendly sentiment toward the park among the citizens of the surrounding country.

Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1897. Miscellaneous Reports [vol. 3] (Washington: Gov't Printing Office, 1897), pp. 781-82.

In his report for the year prior to the regulation's adoption, Acting Superintendent Young stated:

Over 200 stand of arms have been taken from persons entering the park by the two main thoroughfares, including those taken from parties found inside, and as a probable resultant, young broods of quail and grouse abound throughout the park. The deer, bear, lynx, fox, coon, tree squirrel, and chipmunk, although not scarce, are not so plentiful as they should be in their natural home in the park. If firearms, hunters, and trappers are kept out of the park they will multiply and become plentiful, and their instinctive fear of man will gradually so lessen in a few years that visitors will be enabled to see and study them in their natural state. These animals drift down below the heavy snow line in winter and the supply that is taken by ranchmen and hunters outside the park boundaries will be a sufficient trimming in numbers to promote a healthful breeding and growth in the natural game nursery within the boundaries.

Report of Secretary of the Interior; Being Part of the Message and Documents Communicated to the Two Houses of Congress at the Beginning of the Second Session of the Fifty-Fourth Congress. In Five Volumes. (Washington: Gov't Printing Office, 1896), vol. III, p. 740.

After the regulation's promulgation, the Sec'y of the Interior commented as follows:

The regulations prohibiting firearms in the park, except under written permission of the superintendent, have been strictly observed, the enforcement thereof being essential to the best interest of the park.

Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1897, Report of the Secretary of the Interior [vol.1] (Washington: Gov't Printing Office, 1897), p. LXXXIII.

2. Regulations of April 1, 1899 –

(5) Hunting or killing, wounding, or capturing of any bird or wild animal, except dangerous animals, when necessary to prevent them from destroying life or inflicting an injury, is prohibited. The outfits, including guns, traps, teams, horses, or means of transportation used by persons engaged in hunting, killing, trapping, ensnaring, or capturing such birds or wild animals, or in possession of game killed in the park under other circumstances than prescribed above, will be forfeited to the United States, except in cases where it is shown by satisfactory evidence that the outfit is not the property of the person or persons violating this regulation and the actual owner thereof was not a party to such violation. Firearms will only be permitted in the park on written permission from the superintendent thereof. On arrival at the first station of the park guard, parties having firearms will turn them over to the sergeant in charge of the station, taking his receipt for them. They will be returned to the owners on leaving the park.

“Rules and Regulations of the Yellowstone National Park,” April 1, 1899. *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1900*, p. 535.

3. Regulations of July 1, 1900 –

(5) Hunting or killing, wounding or capturing of any bird or wild animal, except dangerous animals, when necessary to prevent them from destroying life or inflicting an injury, is prohibited. The outfits, including guns, traps, teams, horses, or means of transportation used by persons engaged in hunting, killing, trapping, ensnaring, or capturing such birds or wild animals, or in possession of game killed in the park under other circumstances than prescribed above, will be forfeited to the United States, except in cases where it is shown by satisfactory evidence that the outfit is not the property of the person or persons violating this regulation, and the actual owner thereof was not a party to such violation. Firearms will only be permitted in the park on written permission from the superintendent thereof. On arrival at the first station of the park guard, parties having firearms will turn them over to the sergeant in charge of the station, taking his receipt for them. They will be returned to the owners on leaving the park.

Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1901, Miscellaneous Reports, Part I (Washington: Gov't Printing Office, 1901), p. 540.

4. Regulations of February 7, 1902 –

(5) Hunting or killing, wounding, or capturing of any bird or wild animal, except dangerous animals when necessary to prevent them from destroying life or inflicting an injury, is prohibited. The outfits, including guns, traps, teams, horses, or means of transportation used by persons engaged in hunting, killing, trapping, ensnaring, or capturing such birds or wild animals, or in possession of game killed in the park under

Exhibit 187

REVISED
ORDINANCES
— OF THE —
CITY OF BOULDER

Published by Authority of the City.

O
OSCAR F. A. GREENE,
COMPILER.

1899:
Printed by Ricketts & Kerr, at The News Office,
BOULDER, COLORADO.

MAR 11 1909

PARKS—PROTECTION.

157

thirty-two in township one north of range seventy west, is hereby named and shall hereafter be known as VALVERDAN PARK.

510. Washington Park.

SEC. 5. That the city property in the west half of the south-west quarter of section twenty-five in township one north of range seventy-one west, shall be named and hereafter known as WASHINGTON PARK.

PARKS.

An Ordinance for the Protection of the Several Parks Belonging to the City and of the Buildings and Reservoirs and Trees and Other Improvements at and Within Said Parks, and to Provide Penalties for Injuring the Same.

Passed October 4, 1898.

(With amendment as noted.)

511. No firearms or shooting in.

SECTION 1. Any person other than the police officers of the city who shall take or carry or cause to be taken or carried into any of the parks belonging to the City of Boulder, any gun, pistol, revolver, or other firearm, or who shall shoot any firearm at or towards or over or into or upon any of said parks, shall be deemed guilty of a misdemeanor. (As amended August 2, 1899.)

512. No powder or explosives in.

SEC. 2. Any person who shall take or carry or cause to be taken or carried into any of said parks, any powder of any quality or kind or any explosive or dangerous or inflammable or combustible substance, shall be deemed guilty of a misdemeanor.

513. No fires or explosives.

SEC. 3. Any person who shall start any fire or cause or permit to be started any fire in any of said parks, not

being thereunto first authorized by the Mayor, or who shall in any of said parks fire or explode any fire-crackers, torpedoes, or any other substance or thing containing powder or other explosive substance, shall be deemed guilty of a misdemeanor.

514. Injury to property.

SEC. 4. Any person who shall deface, tear down, destroy or injure in any manner whatsoever any fence, building, furniture, seat, structure, excavation, post, bracket, lamp, awning, fire plug, hydrant, water pipe, tree, shrub, plant, flower, railing, bridge, culvert, or any other property whatsoever belonging to the city or to any private corporation or persons in, at or upon any of said parks, shall be deemed guilty of a misdemeanor.

515. Injury continued.

SEC. 5. Any person who shall injure or damage in any manner whatsoever any property of the city at, in or upon any of said parks by cutting, hacking, bending, breaking, burning, daubing with paint or other substances, hitching of horses or other animals, or by means of fire, or by effecting such acts in any other manner, shall be deemed guilty of a misdemeanor.

516. Violation—Misdemeanor Penalty.

SEC. 6. Any person upon conviction of any misdemeanor specified in any of the five preceding sections herein shall be fined not less than five and not more than three hundred dollars.

PARKS.

An Ordinance in Relation to Cottages in Texado Park.

Passed April 17th, 1899.

WHEREAS, a contract was made on, to-wit, the 19th day of March, A. D. 1898, at Boulder, Colorado, by and

Exhibit 188

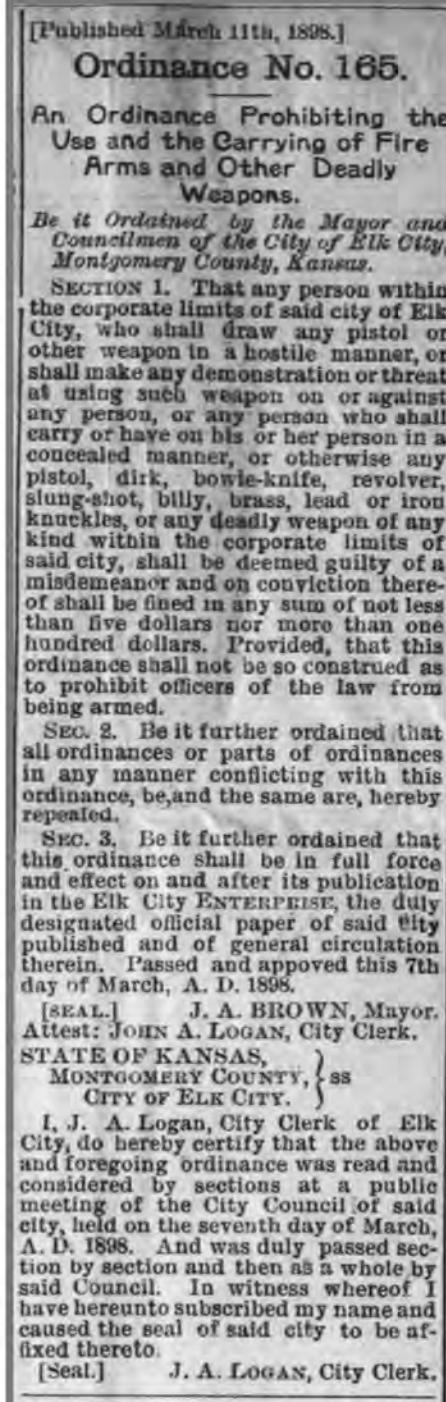


Exhibit 189

APPENDIX.

657

cause two (2) red lights to be placed in a conspicuous place, one at each end of such obstruction from dusk until sunrise in the morning of each day during the time such obstruction shall remain, and shall also construct and maintain proper safeguards and a good and safe plank sidewalk around such obstruction, which sidewalk shall be at least two (2) feet wide.

SEC. 9. No person shall play any game whatsoever in or upon any of the parks, boulevards, parkways or driveways under the control of the board of park commissioners; *provided*, however, that ball, cricket, lawn tennis and other games of recreation may be played upon such portions of said parks as may be designated from time to time by the board of park commissioners, and under such rules and regulations as may be prescribed by said board. The grass plots or lawns of public parks and parkways shall not be used by any person as thoroughfares in crossing from one roadway, walk or street to another roadway, walk or street. But this section shall not be construed to interfere with the use of public parks or parkways as pleasure grounds by the people for the purpose of recreation under such reasonable rules and regulations as may be prescribed by the board of park commissioners.

SEC. 10. No person shall engage in any sport upon any boulevard, parkway, park road or driveway under the control or supervision of the board of park commissioners which will be likely to frighten horses, injure passengers or embarrass the passage of vehicles thereon.

SEC. 11. No person shall fire or discharge any gun or pistol, or carry fire-arms, or throw stones or other missiles, or fire, discharge or set off any rocket, cracker, torpedo, squib or other fireworks, or things containing any substance of an explosive character, within any park, boulevard, parkway or driveway of this city under the control or supervision of the board of park commissioners, except upon a permit first duly obtained or authority previously granted by said board and subject to such rules and regulations as said board may establish.

SEC. 12. No person shall expose any article or thing for sale, or do any hawking or peddling, or distributing hand-bills, or erect any sign-board, or paste or affix any notice or bill or other writing or printing on any tree, lamp post, hydrant, curbstone, sidewalk, coping, flagstone, fence, wall, building or other place in any park, boulevard, parkway, park road, driveway or other public grounds under the control or supervision of the board of park commissioners of said city. Nor shall any person drive

any animal or vehicle displaying any placard or advertisement of any kind; nor shall any person display any placard or advertisement of any kind upon or along any boulevard, parkway, park road or in any park or other public grounds under the control and management of the board of park commissioners of said city.

SEC. 13. No person shall cut, break or in any way injure or deface any of the trees, shrubs, plants, turf, grass, lamp posts, fences, bridges, buildings or other constructions of property in or upon any park, boulevards, parkways, park roads or other public grounds of said city under the control or supervision of the board of park commissioners.

SEC. 14. All persons riding bicycles, tricycles and velocipedes in parks, or upon parkways, boulevards or park roads, shall be required to keep upon the paths specially provided for the same, or upon the roadway, and in no case shall be permitted to ride upon the foot-paths or upon the parking or grass.

SEC. 15. That no vehicles, other than those used for pleasure driving, or other than such carts or other vehicles as may be employed by the board of park commissioners in the construction of, or caring for said parks, shall be permitted to enter said parks.

SEC. 16. No person shall be guilty of disorderly, bawdy or lewd conduct, or of habitual loafing, or of sleeping on the ground or benches, or make, aid or assist in making any disorderly noise or riot or breach of the peace within the limits of any park, boulevard, parkway or other public grounds of the city.

SEC. 17. Any person who shall violate any of the foregoing provisions, rules and regulations, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100) for each and every offense, and in addition to the members of the regular police force of Kansas City who may be specially detailed by the board of police commissioners for the enforcement of the foregoing rules and regulations and for service under the direction of the board of park commissioners, said board of park commissioners may employ and appoint additional persons to act as special guards in parks, boulevards and parkways, as it may find it expedient and deem necessary for the protection of the same and for the enforcement of the rules and regulations of said board and the ordinances of the city relating to the regulation and orderly government of parks and public grounds under the control and

management of the board of park commissioners, and all such special park guards shall be sworn into service of the city as special policemen, and shall be paid out of the general funds appropriated by the common council for the general expenses of the board of park commissioners and for other park purposes; but the number of such special policemen so appointed shall not exceed fifteen (15) per cent of the regular police force of said city without the consent or approval of the common council of said city.

SEC. 18. The common council finds and declares that the action of the common council herein has been recommended by the board of park commissioners of Kansas City, Missouri, as provided by law and that said board has adopted said rules and regulations and has recommended to the common council the establishment and enforcement of the same by ordinance as herein provided.

SEC. 19. All ordinances or parts of ordinances in conflict with this ordinance, insomuch as they conflict herewith, are hereby repealed.

Passed April 14, 1898.

Passed April 18, 1898.

JAMES G. SMITH,
Speaker, Lower House of
the Common Council.

GEO. S. GRAHAM,
President, Upper House of
the Common Council.

[SEAL] Attest: Approved April 18, 1898, 11:50 A. M.

C. S. CURRY,
City Clerk.
By E. A. NORRIS, Deputy.

JAMES M. JONES,
Mayor.

Exhibit 190

NEW HAVEN PUBLIC PARKS.

RULES AND REGULATIONS OF THE PARK COMMISSION.

1. No domestic animal, except dogs, shall be permitted to enter or to go at large in any of said parks, either with or without a keeper. Dogs must be held in leash by the owners, otherwise they may be killed by any park-keeper, special constable, or policeman.
2. No person shall pick any flowers, foliage or fruit, or cut, break, dig up, or in any manner mutilate or injure any tree, shrub, plant, grass, turf, railing, seat, fence, structure, or other thing in any of said parks, or cut, carve, paint, mark or paste on any tree, stone, fence, wall, building, monument, or other object therein, any bill, advertisement or inscription whatsoever.
3. No person shall carry or have any fire-arms on any of said parks, and no fire-arms shall be discharged from, or into any of the same. No stone or other missile shall be thrown or rolled from, into, within or upon any of said parks, except in such place as the commission may designate as a ball-field, in playing games in which a ball is used.
4. No person shall ride or drive on any road within any of said parks at a faster gait than eight miles per hour, and this shall apply to the use of cycles.
5. No threatening, abusive, boisterous, insulting or indecent language, or gesture shall be used on any of said parks, nor shall any oration, harangue, or other public demonstration be made, unless by special authority of said commission.
6. No person shall expose any article or thing for sale on any of said parks, unless licensed therefor by said commission.
7. No person shall bathe naked or otherwise in any waters in, or adjacent to any of said parks, or be naked within any of said parks, except in such places and subject to such regulations, as the commission may, from time to time, specially designate by a public notice set up for that purpose within the park.
8. No person, unless by authority of said commission, shall light, kindle, or use any fire on any of said parks.
9. No person shall ride or drive upon the grass, lawns, or foot-paths of any of said parks.
10. No person shall disturb or injure any bird, bird's nest or eggs, or any squirrel or other animal within any of said parks.

Exhibit 191

PARK REGULATIONS.

No person shall ride or drive upon any part of the Park except upon the roads intended for such purposes.

No person shall bring led horses within the limits of the Park nor turn any horses, cattle, goats, swine, dogs or other animals loose in the Park.

No person shall indulge in any threatening, abusive, insulting or indecent language, or commit any obscene or indecent act in the Park.

No person shall carry firearms, shoot birds, or other animals, nor throw stones or other missiles, or in any way disturb or annoy the birds or animals within the boundaries of the Park.

No person shall throw any dead animals or other offensive matter into the Park, nor foul any spring, brook or other water within the boundaries of the Park.

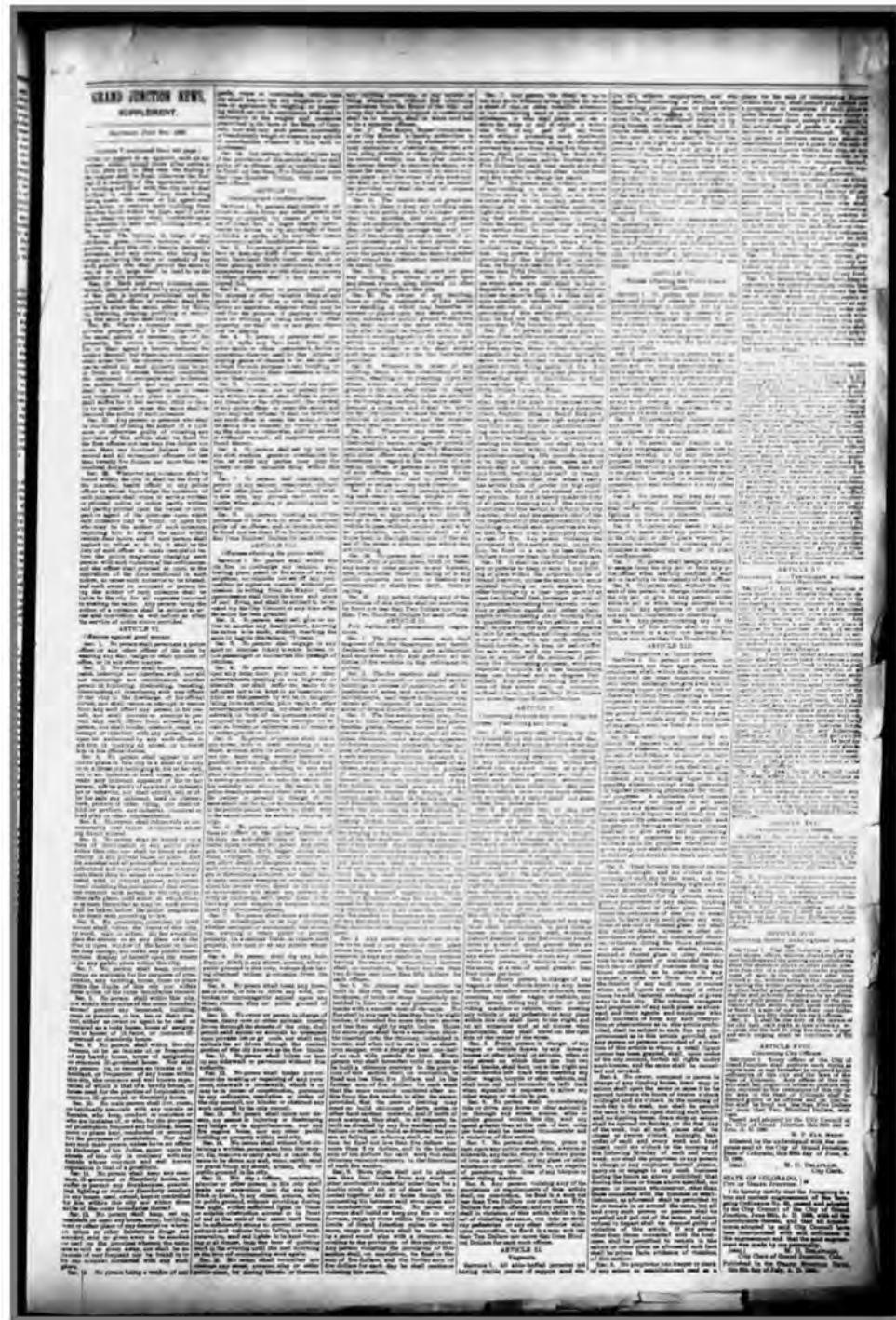
No person shall cut, break or otherwise injure or deface any trees, shrubs, plants, turf, rock or any building, fence, bridge or other structure within the Park.

No person shall erect, paint, paste or otherwise affix or distribute any signs, advertisements or circulars within the Park.

No person shall injure, deface, destroy, or remove any notices or regulations for the government of the Park.

Penalties, \$5.00 to \$10.00

Exhibit 192



in the same manner as animals running at large.

SEC. 6. No person not being then and there an officer in the proper exercise of his duty as such shall carry or have concealed upon or about his person any pistol, gun, bowie knife, dirk, dagger, slung shot, stone, bludgeon, billy, metal knuckles or any other deadly or dangerous weapon, nor shall exhibit any such weapon in a rude, angry or threatening manner, nor shall have or carry any such weapon or weapons on or about his person when drunk or in a state of intoxication, nor shall any person, directly or indirectly, sell, barter, loan or deliver any such weapon or weapons to any drunk or intoxicated person.

SEC. 7. No person shall throw any stones or other missile upon or at any building, whether occupied or unoccupied, nor at any

Exhibit 193

THE WELLSTON NEWS.
BREMAN BROS. Proprietors.

Published at the Post Office at Wellston, Oklahoma, as Second-Class Mail Matter.

PUBLISHED EVERY FRIDAY EVE.

SUBSCRIPTION RATES.

One Year, \$1.00
Six Months, \$0.50
Three Months, \$0.25

ADVERTISING RATES.

All rates are per week. Add 10% for insertion in the first and second weeks. Add 20% for insertion in the third week. Add 30% for insertion in the fourth week. Add 40% for insertion in the fifth week. Add 50% for insertion in the sixth week.

FRANK E. BREMAN, EDITOR.
BREMAN BROS. PROPRIETORS.

Wellston Markets.

Corrected every Friday.	
Butter.....	15
Eggs.....	12½
Bacon.....	75
Beef meat.....	75
Potatoes.....	75
Onions.....	75
Flour.....	170-180
Corn.....	20
Castor Beans.....	25
Seed Cotton.....	2.25
Cotton Hat.....	7.00
Hogs.....	4.00

Resolution No. 1.

INTRODUCED BY ORDINANCE COMMITTEE.

Be it resolved by the President and Board of Trustees of the Town of Wellston, that the Clerk of said Town of Wellston be, and he is hereby authorized, directed and required to publish and print to complete form, or of any necessary insertion, the following ordinances of said Town of Wellston that have heretofore, or are at this time duly enacted and published by the Board of Trustees of said Town of Wellston, and to be pasted on the door of the said Clerk's office, showing that the said pamphlet contains all of the resolutions, by laws, and ordinances which have been duly passed and published, and not repealed, by the Board of Trustees of said Town of Wellston on or before the six day of February, 1900, and said certificate shall further certify that the said resolutions, by-laws and ordinances so published are full, true and correct copies of the originals of which they purport to be, and when so published, the same shall be evidence in all courts.

Passed, made and established at a regular meeting of the Board of Trustees of the Town of Wellston, this fifth day of February, 1900. W. H. BIDDLE.

Attest: Pres. Board of Trustees.

FRANK E. BREMAN,
Town Clerk.
(seal)

Ordinance No. 20.

An ordinance declaring certain acts as an offence, and prescribing a penalty therefor.

Passed by the President and Board of Trustees of the Town of Wellston.

Section No. 1. That the several of offences declared in this ordinance are hereby prohibited in this town, and any person found guilty of any or either of them, shall be adjudged guilty of disturbing the peace and quiet of the town, and shall be subject to the penalties herein provided.

Section No. 2. That any person who shall in this town, disturb the peace of another by assaulting, striking or beating, or wounding, or wounding with dangerous language, or intended to provoke a disturbance of the peace, or who shall be guilty of violent, turbulent or tumultuous conduct offensive to others, or who shall use any profane, obscene or indecent language, or shall be guilty in this town, or any person who shall make or permit any offensive noise or disturbance about the premises under his or her control, and shall do so with intent to offend, and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 3. That any person who shall in this town distract or distract any congregation, and thereby disturb the regularity of worship, is making noise, or rude or indecent behavior, or profane or obscene discourse within their place of worship or so near the same, as to distract or offend any person present, shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 4. That any person who shall in this town, purposely distract any lawful assemblage of people by rude, noisy or indecent behavior, or otherwise, shall be deemed guilty of an offence and

shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 5. That any person who shall in this town intentionally run or drive over any horse, or other horse, faster than an ordinary traveling gait, or who shall run or drive his or her vehicle to cause either horses or teams to become frightened or run away, or any person who shall drive his or her vehicle in any manner and at any speed, or in any manner mentioned animals or any team, or any of the public streets or public places of said town, without being secured, shall be deemed guilty of an offence and shall be fined in any sum not less than ten dollars.

Section No. 6. That any person, who shall in this town, discharge any firearms in any public place, or in the direction of any house, or building, or any person who shall discharge any firearms in any house or building in this town, or who shall discharge any fire-crackers, rockets or other kinds of fireworks in any public place in this town, shall be deemed guilty of an offence, provided that the President and Board of Trustees shall have power to grant proper persons the right to discharge firearms on special occasions, while persons are engaged in writing, shooting, or the President giving gun trials, and shall specify the time, when and the place where such fire works are to be discharged, and any person violating the provisions of this section shall be fined in any sum not less than one dollar.

Section No. 7. That any person, who shall in this town, draw any pistol or other weapon in a hostile manner, or shall make any threats or demands, or shall make any threats or demands, or shall threaten any person, or any person who shall carry or have on his or her person in a concealed or concealed manner in this town, any pistol, dirk or knife, or any other dangerous weapon, or any person who shall, within the town while in a state of intoxication, have in his or her possession any pistol, knife or other deadly weapon, shall be deemed guilty of an offence and fined in any sum not less than one dollar nor more than ten dollars, provided, that this section shall not be construed as to prevent officers of the law from being armed while on duty and not in a state of intoxication.

Section No. 8. That any person who shall in this town, throw any ball, stone, brick, pieces of wood or other hard substance, or any other article, or any article, or at, or against any house, building or vehicle with intent to injure any person, or with intent to injure any such house, building or vehicle, and furthermore that shall be unlawful to pitch or throw any ball or stone in the streets of the town of Wellston, and any such person shall be deemed guilty of an offence and shall be fined in any sum not exceeding one dollar.

Section No. 9. That any person who shall wantonly or intentionally, injure, destroy or besmarc within this town any public property of the town, or any fence, a wing, building, wall, railing, or any other property, or shall injure or damage the property of another, or any property or thing whatever in this town, shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 10. That any person who shall knowingly bring into this town, any passer, lunatic or person of unsound mind, and leave such person without being properly cared for, shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 11. That any person who shall within this town appear in any indecent or lewd dress, or in any dress not belonging to his or her person, or in any indecent or lewd dress, or who shall make any indecent or public exposure of his or her person, or be guilty of any indecent or lewd act or behavior, and shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 12. That any person who shall be found in any public place in this town so drunk as to not be fully competent to take care of himself, or in such a condition as to be unable to take care for himself or others, to allow him to be at large, shall be taken in charge by the Marshal and put in the town prison and kept there, until he shall be released before the last day of the year, and shall be fined in any sum not exceeding ten dollars.

Section No. 13. Any person who shall in this town, wilfully resist, oppose or obstruct the Marshal or any other officer, or any other officer of said town, in the discharge of an official duty, or shall by threats or otherwise seek to intimidate

shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 14. Any person who shall in this town assault, beat or wound any such officer mentioned in the preceding section, or the discharge of such official duty in the discharge of any official duty of this town, shall be fined in any sum not exceeding ten dollars.

Section No. 15. If any person or persons shall set any liberty or render, or attempt to set any liberty or render, any town's officer or his deputy having the legal custody or charge of the same, or from the custody of the police officer, while in said court, or any other custody or confinement, or in any place in which the violation of any ordinance of this town, any prisoner or prisoners, either before or after conviction, is or they shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 16. Every person who shall swear or perjure, or by threats, or by any other means, directly or indirectly, either to cause or cause, or to procure any person in which town or any of its officers are interested before the Justice of the Peace to abscond himself from the trial of such case, or who shall induce, cause, or personate, or in any other manner, to go to a court to swear, or abscond himself, for the purpose of avoiding the service of process of any kind issued by the said Justice of the Peace in such case, shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 17. If any person confined in any place used as a prison by the town of Wellston, shall tell the keeper of any officer or warder for the violation of any ordinance of said town, or upon charge of violating any ordinance of the town, shall forcibly force such prison officer or warder to release him, or attempt by force and violence to any person to break from such prison, or custody, although an escape be effected, shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 18. It shall be unlawful to keep for the purpose of service as a wild animal, a stallion, a jack, bull or any animal within the corporate limits of the town of Wellston, so near the corporate limits of said town, as to alarm the inhabitants of said town, or any one or more of such inhabitants, or persons and animals, through the noise or other means of such animal, for the purpose of exhibition, or to allow any such animal to remain standing upon any of the public streets of said town, or any fence, a wing, building, wall, railing, or any other property, or shall injure or damage the property of another, or any property or thing whatever in this town, shall be deemed guilty of an offence and shall be fined in any sum not less than one dollar nor more than ten dollars.

Section No. 19. Every person who, other as owner or keeper, of any such animal as mentioned in the foregoing section shall violate the provisions of this ordinance shall be fined in any sum not less than one dollar nor more than ten dollars for each offence.

Section No. 20. That all persons who shall council, assist or abet in the commission of any of the offences described in this ordinance shall be fined in any sum not less than one dollar nor more than ten dollars.

Particular Statement.

Territory of Oklahoma, Lincoln County, I. sc.

This is to certify that Henry J. Cullen and Wm. H. King, residing at Wellston, Oklahoma, and Wm. P. Cullen, residing at Wellston, Oklahoma, have formed a partnership, and are now conducting business as such partnership at Wellston, said Territory. That the place of business of such partnership is Wellston, Lincoln County, Oklahoma Territory.

That the style and firm name of such partnership is "Cullen & King."

sum not exceeding ten dollars.

Section No. 7. That any person who shall in this town draw any pistol or other weapon in a hostile manner, or shall make any threats or demonstrations of using any such weapons on or against any person, or any person who shall carry or have on his or her person in a concealed or unconcealed manner within this town, any pistol, dirk or bowie knife or other deadly weapon, or any person who shall within the town while in a state of intoxication, have in his or her posession any pistol, bowie knife or other deadly weapon, shall be deemed guilty of an offence and fined in any sum not less than one dollar nor more than ten dollars, provided; that this section shall not be so construed as to prevent officers of the law from being armed while on duty and not in a state of intoxication.

Section No. 8. That any person who shall in this town throw any ball, stone,

Exhibit 194

PENAL CODE
OF
STATE OF IDAHO,
1901.

Press of
Capital News Printing Co.
Boise, Idaho.

person of F. a bodily injury, as while being prosecuted in the magistrate's court for displaying a deadly weapon in a rude, angry and threatening manner in the presence of others, the defendant

was never in any danger of being convicted of an assault with a deadly weapon with intent to inflict bodily harm.—Territory v. Stocker, 9 Mont. 6. 22 Pac. 496.

Section 4781. Persons Other than Officers Carrying Certain Weapons: It is unlawful for any person, except United States officials, officials of the State of Idaho, county officials, peace officers, guards of any jail, and officers or employees of any express company on duty, to carry, exhibit or flourish any dirk, dirk-knife, sword, sword-cane, pistol, gun or other deadly weapons, within the limits or confines of any city, town or village or in any public assembly of the State of Idaho. Every person so doing is guilty of a misdemeanor and is punishable by fine not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than twenty days nor more than fifty days, or by both such fine and imprisonment.

1889, 15th Ses. p. 23, Sec. 1.

Section 4782. Fines Provided in Preceding Section. To Whom Paid: One half of all fines collected under the preceding Section shall be paid to the officer making the arrest, which amount shall be payment in full for his services. The other one half shall be paid into the common School Fund of the county, after deducting the necessary costs of the prosecution of the case.

1889, 15th Ses. p. 23, Sec. 2.

Section 4783. Forceable Entry: Every person using or procuring, encouraging or assisting another to use, any force or violence in entering upon or detaining any lands or other possessions of another, except in the cases and in the manner allowed by law, is guilty of a misdemeanor.

1887 R. S. Sec. 6962; 1874-5 p. 209, Forceable entry: See Sec. 3974 C. Civ. Proc. Sec. 570.

Section 4784. Taking Repossession of Land: Every person who has been removed from any lands by process of law, or who has removed from any lands pursuant to the lawful adjudication or direction of any court, tribunal, or officer, and who afterwards unlawfully returns to settle, reside upon, or take possession of such lands, is guilty of a misdemeanor.

1887 R. S. Sec. 6963.

CHAPTER CCXVIII.

CRIMES AGAINST THE REVENUE AND PROPERTY OF THE STATE.

Section.

4785. Embezzlement and falsification of accounts by public officers.
4786. Officers neglecting to pay over public moneys.
4787. Public moneys defined.

Section.

4788. Certain officers refusing to pay over fine or forfeiture according to law.
4789. Refusing to give assessor list of property.

Exhibit 195

CHAPTER XXXV.

An Act to prohibit unlawful carrying of concealed weapons, to provide penalties for violations of this act and to define the meaning of the term concealed weapons.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Any person in this State who shall carry concealed or partially concealed on or about his person any revolver, pistol, dirk, dagger, slung shot, sword cane, or knuckles made of any metal or any hard substance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty five nor more than two hundred dollars, or by imprisonment in the County jail not less than ten nor more than thirty days, or by both such fine and imprisonment.

Carrying weapons concealed or partially concealed about person.

Penalty.

Section 2.

The preceding section shall not apply to a person in actual service as a militiaman, nor to a police officer or policeman, or person summoned to his aid nor to a revenue or other civil officer engaged in the discharge of official duty, nor to the carrying of arms on one's own premises, or place of business.

Reservation.

Section 3. If any person shall go into any church or religious assembly, any school room or other place where persons are assembled for amusement or for educational or scientific purposes, or into any circus, show, or public exhibition of any kind, or into a ball room, social party, or social gathering, or to any election precinct or any place of registration, on the day or days of any election or registration, where any portion of the people of the State are collected to register or vote at any election, or to any other place where people may be assembled to perform any public duty, or at any public assembly, and shall have or carry concealed or partially concealed about his person a

Carrying weapons in certain places.

pistol or other firearm, dirk, dagger, slung shot, sword cane, knuckles, or bowie knife, he shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Penalty.

Section 4.

Reservation. The preceding section shall not apply to peace officers or other persons authorized or permitted by law to carry arms at the places therein designated. "And any District Judge of any judicial district of the State of Montana, may, upon satisfactory proof being produced before him of the good moral character and peaceable disposition of any person, grant permission to such person to bear concealed or otherwise a "pistol" or "revolver" for such a period of time as such judge may deem necessary."

Permit of District Judge.

Section 5.

Arrest. Any person violating any of the provisions of sections one and three of this act may be arrested without warrant by any peace officer and carried before the nearest justice of the peace for trial; and any peace officer who shall fail or refuse to arrest such person on his own knowledge, or upon information from some creditable person, shall be punished by a fine not exceeding five hundred dollars.

Peace officer failing to arrest.

Penalty.

Section 6.

"Concealed weapon" defined. The term concealed weapons shall be taken to mean any weapon mentioned in the foregoing sections which shall be wholly or partially covered by the clothing or wearing apparel of the person so carrying the weapon.

Act not to apply to county designated by proclamation by Governor. in force in any county which the governor may designate by proclamation as a frontier county and liable to incursions by hostile Indians.

Section 7.

The provisions of this Act shall not apply to or be

CHAPTERS XXXV-XXXVI—ACTS 1903

51

Section 8.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause

Section 9.

This Act shall take effect and be in force from and after its passage and approval.

When act takes effect.

Approved Feby 27th 1903

CHAPTER XXXVI.

An Act to amend Section 402 of the Code of Civil Procedure, and to confer upon the Supreme Court exclusive jurisdiction of proceedings and prosecutions for the disbarment or suspension of Attorneys and Counselors at Law; to provide for appeals to the Supreme Court from judgments rendered by District Courts in such cases; to provide for a stay of such judgments pending appeals therefrom, and to regulate the proceedings on the trial of such appeals.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 402 of the Code of Civil Procedure be amended so as to read as follows:

Section 402.
Code Civil Procedure, amended.

Section 402.

The Supreme Court of the State shall have exclusive jurisdiction to remove or suspend Attorneys and Counselors at law, and an Attorney and Counselor may be removed or suspended, for either of the following causes, arising after his admission to practice.

Supreme Court has exclusive jurisdiction of disbarment proceedings.

Causes.

1.

His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction is conclusive evidence.

Conviction of felony or misdemeanor.
Record of conviction conclusive evidence.

2.

Wilful disobedience or violation of an order of the

Disobedience of order of Court.

Exhibit 196

OF THE CITY OF WEBB CITY, MO.

99

COUNCIL BILL No. 607—ORDINANCE No. 577.

MISDEMEANORS.

An Ordinance defining what shall constitute misdemeanors or offenses against the city of Webb City, and providing penalties therefor.

Be It Ordained by the Council of the City of Webb City, Missouri, as follows:

Section 1. Disturbance of the Peace. If any person shall wilfully disturb the peace of any neighborhood, or of any family, or of any person, by loud and unusual noise or by offensive or indecent conversation, or by threatening, quarreling, challenging or fighting, every person so offending shall, upon conviction, be adjudged guilty of a misdemeanor.

Sec. 2. Drunk, Intoxication. Any person who shall be found drunk or in a state of intoxication upon any street, alley, sidewalk, or in any business house or other public place within the city, to the annoyance of any person or persons, shall be deemed guilty of a misdemeanor.

Sec. 3. Disturbing Religious Assemblies. Every person who shall wilfully maliciously or contemptuously disquiet or disturb any camp meeting, congregation or other assembly met for religious worship, or when meeting at the place of worship or dispersing therefrom, or any school or other meeting or assembly of people met together for any lawful purpose whatever, by making a noise or by rude or indecent behavior or by profane or indecent discourse within the place of assembly or so near thereto as to interrupt or disturb the order or solemnity thereof, or who shall wilfully threaten or assault any person there being, shall be deemed guilty of a misdemeanor.

Sec. 4. Assault. Any person who shall in a rude, angry or threatening manner, touch, assault, strike, beat or wound another within this city, shall be deemed guilty of a misdemeanor.

Sec. 5. Lewd Acts, Writings, Performances. No person shall be or appear in or upon any street, avenue, sidewalk, alley or place open to public view in a state of nudity or

711803 A

THE REVISED ORDINANCES

in a dress not belonging to or adapted to his or her sex, or in any indecent or lewd dress, or shall make any public, unusual or indecent exposure of his or her person, or be guilty of any unseemly, obscene, indecent, filthy or lewd act, or of any lewd, indecent, immoral or insulting conduct, language or behavior; or shall exhibit, circulate or distribute, sell, offer or expose for sale, or give or deliver to another, or cause the same to be done, any lewd, indecent or obscene book, picture, pamphlet, card, print, paper, writing, mold, cast, figure or other thing, or shall exhibit or perform, or cause or allow to be exhibited or performed in or upon any house, building, tent, wagon, lot or premises, owned, occupied or controlled by him or under his management or control, any lewd, indecent or immoral play, representation, contribution or performance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor.

Sec. 6. Carrying Deadly Weapons. If any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meeting called under the militia laws of the state, having upon or about his person any kind of firearms, bowie knife, dirk, dagger, slung shot or other deadly or dangerous weapon, or shall in the presence of one or more persons exhibit any such weapon in a rude, angry, threatening, reckless or careless manner, or shall have or carry any such weapon on or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell, deliver, give, loan or barter to any minor any such weapon, without the written consent of the parent or guardian of such minor, shall upon conviction be punished by a fine of not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars.

Sec. 7. Discharging Firearms in City. Any person not

Exhibit 197

Grand Rapids, Mich. Ordinances, etc.

COMPILED ORDINANCES

cf

OF THE

City of Grand Rapids

Containing all Ordinances passed by the
Common Council, of the City of Grand Rapids,
in force September 1, 1906

Compiled and Indexed
Under Authority of the Common Council
By
COLIN P. CAMPBELL. LL. M.

PUBLISHED BY AUTHORITY OF THE
COMMON COUNCIL

1907?

*the Public List
Jan 27 1912*

dollars and costs of prosecution, or by imprisonment at hard labor in the common jail of the County of Kent, or in any penitentiary, jail, work-house, house of correction, or alms-house of said city, in the discretion of the court or magistrate before whom the conviction may be had, for a period of not less than five days, nor more than ninety days; and in case such court or magistrate shall only impose a fine and costs, the offender may be sentenced to be imprisoned at hard labor in the common jail of the County of Kent, or in any penitentiary, jail, work-house, house of correction, or alms-house of said city, until the payment of such fine and costs, for a period of not less than five days nor more than ninety days.

Repealing Clause.

Sec. 429 (14). The following ordinances are hereby repealed, to-wit: An ordinance entitled "An Ordinance Relative to Public Lamps and Lamp Posts in the City of Grand Rapids," passed March 1, 1873;

Also an ordinance entitled, "An ordinance Relative to Public Parks and Places in the City of Grand Rapids," passed March 8, 1873;

Also an ordinance entitled, "An Ordinance Relative to the Protection, Preservation and Use of Bridges Across Grand River in the City of Grand Rapids, belong to said city," passed June 21, 1873;

Also an ordinance entitled, "An Ordinance Relative to the Preservation of Public Property of the City of Grand Rapids," passed March 1, 1873;

Also all other ordinances and parts of ordinances in anywise contravening the provisions of this ordinance.

An Ordinance to Regulate the Use of the Public Parks of the City of Grand Rapids, and to Provide for the Preservation of Public Property Therein. Passed May 4, 1891. Amended June 20, 1892, and October 11, 1897.

The Common Council of the City of Grand Rapids do ordain as follows:

Parks—Injury to Trees, Etc.—Animals, Etc.—Handbills.

Sec. 430 (1). No person shall break, cut, mutilate, injure,

PUBLIC PROPERTY

163

overturn, remove or carry away any tree, shrub, plant, flower, stone, or stone-work, bench, chair, seat, bower, stand, house, arbor, structure, fence or property, or anything whatsoever in, upon or belonging to any park, square or open space, in the City of Grand Rapids, or in any street, avenue, or highway in, adjoining to or around the same; nor shall any person climb up, or upon, any building, house, fence, table, seat or other structure in said park, place or square; nor shall any person kill, disturb, or molest any bird or bird's nest, or any fish or animal within, belonging to or being therein; nor shall any person paste or affix or inscribe any hand-bill, sign, poster, card, device or inscription to, upon or against any fence, tree, structure, or property of or on such park, place, square or highway, in or adjoining the same; nor shall any person disfigure or injure any sward, gravel, sand, turf or earth, or any tree, fence or structure therein, or adjoining thereto; nor shall any person fasten or hitch any animal to any tree, fence or structure in, or upon, the same, unless the same shall be designated and set apart for such purpose; nor shall any person ride or drive any animal or vehicle therein except upon the proper roadways, avenues and drives, and shall not drive therein at a speed exceeding eight miles per hour.

Parks—Speeches in.

Sec. 431 (2). No person shall deliver any oration, address, speech, sermon or lecture therein unless he shall have first received permission from the Common Council of the City of Grand Rapids, or the Mayor or other lawful authority so to do; nor shall any public meeting be held therein unless leave is first obtained.

Parks—Dogs in—Fire Arms.

Sec. 432 (3). No person shall allow or permit any domestic animal to go, be, or run at large within any such park, place or square; nor shall any person carry any rifle, gun, or other fire arm of any kind within any park of the City of Grand Rapids, and no dog shall be allowed therein except when fastened or led by a cord or string not exceeding six feet in length.

**Parks—Disorderly Language—Games—Handbills—Peddlers—
Picnics in.**

Sec. 433 (4). (As amended October 11, 1897.) No person shall

use any threatening, obscene, profane or indecent language in any such park, open place or square, or be guilty of any disorderly or indecent conduct; nor shall any person indulge in any games, acts or demeanor calculating or tending to mar or disturb the feelings or enjoyment of the visitors attending such parks, places or squares; nor shall any person or persons deposit any rubbish or refuse in or upon such park, place or square, except the same be deposited in waste baskets to be provided by the Committee on Parks; nor shall any person post, exhibit or distribute any advertisement, circular or hand bill therein; nor shall any peddler or petty dealer sell, or in any manner dispose of any article in or immediately adjoining any public park, place or square in said city, unless he shall first obtain express permission so to do from the Common Council of the City of Grand Rapids. Picnics and social parties may be allowed in such portions of said parks as shall be designated and set apart by the Park Committee of the Common Council of the City of Grand Rapids from time to time.

Hours When Parks Open to Public.

Sec. 434 (5). (As amended June 20, 1892.) The three public parks belonging to said city and respectively named and known as the "John Ball Park," "Lincoln Park" and "Highland Park," shall be open to the public only between the hours of sunrise and 9 p. m. of each and every day, and it shall not be lawful for any person or persons, except the person and employes in charge of any such park, to enter therein before the hour above named for the opening of said park, or to remain therein after the hour above fixed for the closing thereof; Provided, however, That the Committee on Parks of the Common Council or Mayor of said city shall have the power, in their discretion, whenever special occasion may require it, to specially provide for all or any of said parks above named being opened at an earlier hour or closed at a later hour than the hours above designated.

Any person who shall violate any of the provisions or requirements of this section shall be liable to the punishment prescribed in Section 6 of this ordinance.

Penalty.

Sec. 435 (6). (As re-numbered June 20, 1892, and amended

Exhibit 198

V. STATE PARK RULES AND REGULATIONS.

California State Park System

This is Your Park

All of California's State Parks have been established for the purpose of preserving outstanding examples of nature's handiwork, for future generations, whether it be Redwood groves, beaches or other areas set aside for the use and enjoyment of all of the people.

That this enjoyment may not be destroyed it is necessary that certain restrictions governing the use of the parks be effected.

In order to preserve the natural beauty of the parks so that the public may enjoy them, please observe the following:

Do not pick flowers nor remove shrubs or small trees and please explain to others you may see violating this rule that these areas are being preserved, not only for our use but for posterity.

Do not destroy State property. It is your property.

Place all garbage and other refuse in garbage cans.

Protect human and wild life from danger by driving vehicles within the limit prescribed by the caution signs. Dogs are not permitted to run loose.

Note: In some parks, dogs are not allowed; therefore, suitable facilities are provided for caring for them at a small cost to the owner.

Firearms are not allowed, and must be sealed or checked at the Warden's Office.

Please confine travel to paths and roads.

Please confine campfires to camp stoves which are provided for this purpose.

Please report to the Warden any suggestions you may have to offer in order that he may use every effort to make your stay in the park enjoyable and comfortable.

Exhibit 199

the research divisions of public and private agencies; (5) act in the capacity of a research clearing house; (6) formulate plans for advancing the wise use of the resources of the State and assist in carrying out such plans.

V. STATE PARK RULES AND REGULATIONS.

This is a State Park. It belongs to you. It was paid for out of the State money, your money, or given to the State, for the preservation of natural beauty or historical association, and for the recreation of yourselves and your guests from other States.

The custodian of the State Park is the State Park Commission established by your representatives in the General Assembly, whose members are appointed by the Governor with the approval of the Senate. They are your servants, to see that the State Parks are properly cared for, rightly used and not abused.

There is a reason for every rule and regulation made, and they should be complied with, even though the reason is not evident. If the rules seem onerous or unnecessary, your criticisms or suggestions made in writing, will receive careful consideration.

It is desired that this park shall be used for picnic parties, camping and outdoor life by the people of Connecticut, provided the park is used in a wholesome and reasonable way, and that the trees, shrubs and plants are not injured, and all rubbish is placed in receptacles prepared for it, or buried or burned.

People using this State park should not monopolize it, nor disturb, nor unpleasantly intrude upon other parties using it. Fires are a source of danger to the forest, and must not be built in dry times, but at other times they may be made in stone fireplaces built by the Commission or acceptable to them; the fire should never be left alone, and must be put out on leaving.

The use of firearms or having them in possession is forbidden, also the killing or disturbing of wild animals, birds or birds' nests.

The directions of the caretakers should be followed. If they seem unreasonable or undesirable, or if suggestions are to be offered, please write to the Secretary or any member of the Commission.

No park employee is permitted to accept tips.

It is Permitted:

1. To fish in accordance with the Public Statutes.
2. To gather nuts, berries or wild flowers except for market.
3. To use any dead wood for the fireplace.
4. To camp for two nights without a permit, camping for longer periods to be by special permit.

V. STATE PARK RULES AND REGULATIONS.

The following rules and regulations for the government of this Park are hereby established. These rules and regulations are promulgated to cover only the Government owned or controlled lands and waters in the Park area.

1. PRESERVATION OF NATURAL FEATURES AND CURIOSITIES: The destruction, injury, defacement, or disturbance in any way of the public buildings, signs, equipment, or other property, or the trees, flowers, vegetation, rocks, minerals, animal or bird or other life is prohibited; Provided, that the flowers may be gathered in small quantities when in the judgment of the Superintendent, or other authorized representative of the Florida Park Service, their removal will not impair the beauty of the Park. Before any flowers are picked, permit must be obtained from the Superintendent in charge.

2. CAMPING: When the Park is constructed by the Florida Park Service by means of the Civilian Conservation Corps in cooperation with the National Park Service, adequate camping places with pure water and other conveniences will be provided. Until such time no camping overnight or fires of any sort will be permitted except by special permit of the Superintendent or his duly authorized representatives. In such instances the following rules must be carefully observed: Wood for fuel only can be taken from dead or fallen trees. Combustible rubbish shall be burned on camp fires, and all other garbage and refuse of all kinds shall be buried.

3. FIRES: Fires constitute one of the greatest perils to the Parks; they shall not be kindled near trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on earth. Should camp be made in a locality where no such open space exists or is provided, the dead wood, grass, moss, dry leaves, etc., shall be scraped away to the earth over an area for five feet around the fire.

Fires shall be lighted only when necessary and when no longer needed shall be completely extinguished and all embers and bed smothered with earth or water, so that there remains no possibility of reignition.

Smoking may be forbidden by the superintendent in any part of the Park during the fire season when in his judgment the fire hazard makes such action advisable.

NOTE: Especial care shall be taken that no lighted match, cigar, cigarette, or burning pipe tobacco is dropped in any grass, twigs, leaves, moss or tree mold.

4. HUNTING: The Park is a sanctuary for wild life of every sort, and all hunting or the killing, wounding, frightening, pursuing, or capturing at any time of any bird or wild animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury or taking the eggs of any bird, is prohibited within the limits of said Park. Firearms are prohibited within the Park except upon written permission of the Superintendent.

5. FISHING: Fishing with nets, seines, traps or by the use of drugs or explosives or in any other way than with rod, hook and line held in hand, or for merchandise or profit, is prohibited. Fishing in the Park will be permitted only during the open season as prescribed by the State of Florida.

Recommendations. To make recommendations from time to time as to the best methods of such conservation, utilization and development;

Cooperation. To cooperate with other agencies, national and State;

Master plan. To make and adopt an official master plan for the physical and economic development of the State, including, among other things, the general location, character and extent of highways, expressways, parkways, waterways, water front development, flood prevention works, parks, preservations, forests, wildlife refuges.

Restrictions. Following adoption of the State master plan, no State highway, park, forest, reservation or other State way, ground or property may be constructed or acquired with State funds, or located, constructed or authorized by any State agency unless the location and extent thereof is first submitted to the Board for its report and advice.

Ten-year program. The Board is further directed to prepare and keep up to date a ten year construction and financial program, to be prepared in consultation with the several State departments; to cooperate with municipal, county, regional and other local planning commissions; furnish advice and reports to any State officer or department; prepare and submit to the Governor and General Assembly drafts of legislation for carrying out the master plan; encourage the creation of county, municipal and regional planning commissions, and to act as a clearing house for information relating to such planning.

VII. STATE PARK RULES AND REGULATIONS

This is YOUR PARK

All visitors are expected to observe the following rules that we can fulfill the purpose for which this and other state parks were established, the preservation of a primitive landscape in its original condition and a place where you might enjoy the out-of-doors.

1. Do not injure or damage any structure, rock, tree, flower, bird or wild animal within the park.
2. Firearms are prohibited at all times.
3. Dogs must be kept on leash while in the park.
4. There shall be no vending or advertising without permission of the Department of Conservation.
5. Camping areas are provided at a fee of twenty-five cents per car or tent for each 24 hours or fraction.

vation as it may deem to be of particular historic interest or which, in its judgment, may be favorably situated and well adapted for park purposes, and the setting aside of which for park purposes will not interfere with the reasonable use of the reservation by the educational institutions thereon.

IV. STATE PARK RULES AND REGULATIONS.

The following rules and regulations have been adopted by the Forestry, Fish and Game Commission covering the actions of the public on the State parks, and such rules and regulations have the full force and effect of law and violators are subject to prosecution:

1. The destruction or injury of any sign, guidepost or property of any kind is unlawful. This includes the peeling of bark, carving and chopping of trees, cutting branches, driving nails, digging ground from roots and the removal of trees, shrubs and plants, picking wild flowers and other injuries.
2. To carry or have firearms in possession in a State park is unlawful.
3. Throwing of tin cans, bottles, papers, junk or refuse of any kind on the ground or in a lake or stream; or the misuse and abuse of seats, tables and other park equipment, is prohibited.
4. Washing or the throwing of waste of any kind around well or spring, or the use of woods as toilets, or the use of toilets for bathhouses, is prohibited.
5. Building or starting fires in the open or in any place except where the proper provisions have been made, or to leave fires while burning, is prohibited.
6. Dogs in the park must be tied with a chain or controlled on a leash. They are not allowed to run loose about the park.
7. Speed limit for motor vehicles on park roads is 25 miles per hour, except where otherwise posted.
8. Camping, horseback riding or driving of automobiles or other vehicles on picnic grounds, children's playground, bathing beaches, and areas posted against such traffic or use is prohibited.
9. Persons desiring to camp in a State park are required to obtain permit before making camp. A permit authorizes the holder to camp in the park not to exceed three days. When time of permit has expired, campers are required to move from the park or have permit renewed. The park superintendent shall record the name and address of the responsible head of each camping party, the number of persons, and names and license numbers of cars.
10. Camping in the park by boys under seventeen years of age, unaccompanied by an adult, and girls under eighteen years of age, unaccompanied by their parents or chaperon, is prohibited.

2. To carry or have firearms in possession in a State park is unlawful.

3. Throwing of tin cans, bottles, papers, junk or refuse of any kind on the ground or in a lake or stream; or the misuse and abuse of scats, tables and other park equipment is prohibited.

4. Speed limit for motor vehicles on park roads is 20 miles per hour except where otherwise posted.

5. Dogs in park must be tied with chain or controlled on a leash. They are not allowed to run loose about the park.

6. The sale of eggs, milk, cream, butter, fruits and vegetables by farmers is permitted in State parks. All other vending or peddling in parks is prohibited.

7. Building or starting fires in the open or in any place except where proper provisions have been made or to leave fires while burning is prohibited.

8. Washing or the throwing of waste of any kind around well or spring or the use of woods as toilets or the use of toilets for bath houses is prohibited.

9. Persons desiring to camp in State parks are required to obtain permit before making camp. A permit will be issued to camp 7 days or less on a single site in parks within Oakland, Livingston, Macomb, St. Clair, Ottawa and Bay counties. The time limit in all other parks will be 15 days on a single site. When time of permit has expired, campers are required to move from the park. To again camp in parks new permits must be obtained.

10. Camping, horseback riding or driving of automobiles or other vehicles on areas (picnic ground, children's playground, bathing beaches, etc.) posted against such traffic or utilization is prohibited.

11. Camping in the park by boys under seventeen years of age unaccompanied by an adult or adults and girls under eighteen years of age unaccompanied by their parents or chaperon is prohibited.

12. Disorderly conduct in the way of drunkenness, vile language, fighting and personal exposure by change of clothing in automobiles, woods, park or any other place where person is not properly sheltered is prohibited.

Sec. 3-a - Act 17, Public Acts 1921, as amended by Act 337, P.L. 1927, provides that (any person who shall do or perform any act prohibited by such rules and regulations concerning the use and occupancy of lands and property under the control of said commission of conservation, which shall have been made, promulgated and pub-

Exhibit 200

5. Papers, garbage, and refuse of all kinds shall be placed in the receptacles provided for that purpose.
6. No person shall post or affix, or cause to be posted or affixed any printed or written bill, placard, sign, advertisement, or other notice upon any tree, post, fixture or structure within the park system. Nor shall any person deface, damage, or destroy any notice of the rules, regulations, ordinances or signs for the Government of said park system which shall have been posted by order of the Commission.
7. No picnics shall be held upon park property except at such places as are designated by signs.
8. The following acts and activities are prohibited within the park areas under jurisdiction of this Commission except by permit:-
The possession of any firearms and fireworks of any kind; making or building fires except in fireplaces provided by park authorities; carrying any musical instrument; carrying or displaying flags, banners, placards of any kind; delivering speeches or orations; holding parades or other demonstrations; conducting religious or other ceremonies; soliciting alms or contributions for any purpose; the taking of commercial equipment for the taking of motion and sound pictures.
9. No person shall disobey an order of a park patrolman or other park official when such official is engaged in the enforcement of a State or park ordinance; nor shall he use bad, obnoxious or indecent language, nor act in a disorderly or suspicious manner.
10. No intoxicating liquors or beverages shall be brought, caused to be brought, or drunk within the limits of the State parks, nor shall any intoxicated person enter or remain upon any portion of the park system, except that intoxicating liquors and beverages may be sold by such persons and at such places as may be specifically authorized by the Niagara Frontier State Park Commission.
11. No booth, tent, stall, stand, or other structure shall be erected for any purpose, and no begging, hawking, peddling, advertising, or soliciting shall be done; nor any article or service be advertised, or caused to be advertised or offered for sale, or hire, within the property limits of lands under the jurisdiction of this Commission, except by written permit of the Commission.
12. No commercial vehicles, or any vehicle displaying any advertising placard or advertisement of any kind, shall be driven within the park or over the parkways of said park system for advertising, demonstration, or other purposes.
13. Motorists shall obey all signs regulating traffic placed in the parks and along the parkways under the jurisdiction of this Commission. In no instance shall a vehicle be operated at a greater rate of speed than thirty (30) miles per hour. Where one direction in roads is designated, traffic in the opposite direction is prohibited. Bus and taxicab parking areas will not be for the use of privately owned vehicles. All vehicles must be parked in parking areas provided.

(f) Every person twelve years of age or older in each party making use of Park camping facilities, cabins or campsites must register with the rental clerk.

5. COMMERCIAL ENTERPRISES.

(a) No person shall, without a permit from the Commissioners, sell or offer for sale within the Park on lands owned by the State, any property or privilege whatsoever, nor shall any person to whom property of the Park has been intrusted for personal use, hire, lease or rent out the same to another person..

(b) No person shall take photographs or moving pictures within the Park camping areas for the purpose of selling negatives or prints therefrom without having first obtained a permit from the Commissioners.

(c) No person shall operate a bus, taxicab or other vehicle for the transportation of passengers or property for hire on the Park controlled roads without having obtained a permit from the Commission.

6. FIREARMS.

(a) No firearms may be used or possessed within the Park area by visitors or used by residents except by special permission of the Commissioners.

(b) No target or trapshooting allowed in the Park except by written permission of the Commissioners, or an executive officer..

7. HUNTING AND FISHING.

(a) No person shall hunt, pursue with dogs, trap or in any other way molest any of the wild birds or beasts found within the Park except by permission of, and in a manner specified by the commission.

(b) No person shall fish in any of the Park streams except by written permission of the Commissioners.

8. PUBLIC NUISANCE.

(a) Gambling in the Park is prohibited and no person shall bring into the Park or have in his possession while there, any implement or device commonly used or intended for gambling purposes.

(b) No person shall sell or attempt to sell any beer, wine, whiskey or other intoxicating liquor or beverage within the area of the Park except by permission of the Commissioners.

9. SIGNS.

No sign or notice shall be erected or posted at any place in the Park on lands owned by the State, without permission in writing from the Commissioners.

5. HUNTING AND FIREARMS - No person shall carry or have in his possession any gun, firearms, ammunition, or explosives and no person shall hunt or trap within or from the park areas except when especially authorized by the Commission to do so. No person shall engage in fishing, spearing or netting in waters restricted by the Commission against such uses.

6. FIRE DANGER - No person shall start or maintain a fire except in the fire-places provided for that purpose or at places especially indicated by the official in charge of the park and all fires shall be continuously under the care of a competent person. No person shall allow any fire to injure or destroy any shrub, tree or branches thereof or discard or throw away lighted matches, cigarettes or cigars in such a manner as to create a fire risk of any sort. In addition to the fines or penalties provided for the violation of these Rules and Regulations, any person responsible for fire damage or loss of park property, including trees and vegetation, shall pay to the Commission the full cost of restoring such property to its original condition.

7. SPORTS - Boating or landing of boats within a bathing area is forbidden and all persons operating boats shall conform strictly to the instructions of the official in charge of the park as to the limits of such areas. No person shall operate toilets on a boat or throw refuse or litter into the water in the near vicinity of such bathing areas. Any person bathing in waters not specifically designated as bathing areas and protected by lifeguard service shall do so entirely at their own risk, and if observed, may be ordered by park officials to cease such bathing. Bathing without proper bathing suits, or undressing and dressing outside of duly provided bath-houses and/or in the public view is prohibited. Games of various kinds shall be played only at places provided for such games. No camp shall be maintained in any park except under permit obtained from the park superintendent and at such places and for such periods as he may designate. No skating or use of frozen-over waters shall be permitted except after the ice has been declared safe by the park official in charge.

8. MEETINGS - No person or organization shall hold or conduct any meeting involving ceremonies, speeches, religious services, performances or entertainments except after obtaining a permit to do so.

9. OMNIBUSES, TAXIS, AND TRUCKS - No omnibuses, taxis or trucks shall operate within property controlled by the Commission except by duly authorized permit and the procedure and conduct of persons operating such vehicles shall at all times be strictly in accordance with the instructions of the park official in charge. The rate of speed for any motor vehicle being operated within the park area shall not be such as will endanger the public and in no case in excess of 30 miles per hour.

10. LOST AND FOUND ARTICLES - Any person finding or taking possession of any personal property of which such person is not the owner, shall deliver the same immediately to the Park Superintendent or to the headquarters of the Commission at Ithaca, N. Y., and losers of such property shall apply to the said Superintendent or park headquarters for restoration of articles.

Commission for all damages and loss suffered by it in excess of money so forfeited and retained; but neither such forfeiture and retention by the Commission of the whole or any part of such moneys nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person or persons from liability to punishment for any violation of any provision of any Central New York State Parks Commission Ordinance.

Ordinance No. 4

Prohibited Uses

Section 1. Boating. Boating of any kind in a bathing area is forbidden except such boating as is necessary to keep such areas properly protected and policed. The use of privately owned boats or canoes on any park waters is prohibited.

Section 2. Protection of Bathing Area. No person shall throw, cast, lay or deposit any glass, crockery, or any part thereof or any metallic substance on any bathing area in or adjoining any park.

Section 3. Firearms. No person except employees or officers of the Commission shall carry firearms of any description within the park.

Section 4. Explosives. No person shall bring into or have in any park any explosive or explosive substance.

Section 5. Fires, Lighted Cigars, etc. No person shall kindle, build, maintain or use a fire other than in places provided or designated for such purpose except by special permit. Any fire shall be continuously under the care and direction of a competent person over sixteen years of age from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, or other burning object within, on or against any structure, boat, vehicle or enclosure, or under any tree or in underbrush or grass.

Section 6. Alms and Contributions. No person shall solicit alms or contributions for any purpose.

Section 7. Commercial Enterprises. No person shall, without a permit, do any of the following: - Sell or offer for sale, hire, lease or let out, any object of merchandise, or any other thing, whether corporeal or incorporeal; take photographs within the limits of any park for the purpose of selling the negatives thereof, or prints therefrom, or for the purpose of exhibiting negatives thereof, or prints therefrom in public; while operating a boat for hire, land or receive passengers at any dock or wharf under the jurisdiction of the Commission. No person to whom property of the park has been entrusted for personal use shall hire, lease or let out the same to any other person.

Discharge of fire-
arms.

Rule 39. No person shall be permitted to discharge firearms from the main shore of a reservoir, or from the islands within such reservoir, or from boats thereon across the waters of any public park, except during the hunting season authorized by the statutes, and parties guilty of reckless shooting on or around such reservoirs shall be arrested and fined in accordance with the provisions of this act.

Disposal of garbage.

Rule 40. No lessee of a state lot, cottage owner, or other occupant of a cottage located upon state or adjacent lands shall deposit garbage upon the rear of such lot or throw the same into the lake, but such garbage shall be burned or removed from the premises so as not to be a nuisance to the cottage owners either on or off the state land.

State landings may
be used by all
boats.

Rule 41. No boat line company or individual shall have control of any state landing to the exclusion of other boat lines, or individuals owning and operating boats upon the waters of any state reservoir, and all boats shall have the right to land at any dock or landing for temporary purposes, but passenger boats operated for hire may only discharge passengers at private docks or landings, and shall not take on passengers from such docks or landings without the permission of the owner or owners thereof.

Permit to build
boat house or
private landing
required.

Rule 42. No boat owner or lessee of a state lot shall build a boat house or dock landing over the water of any state reservoir that has been dedicated and set apart as a public park and pleasure resort, except by the written permission of the conservation commissioner who shall first approve the plans for such boat house or dock landing before work thereon shall be commenced.

Permission to
cut trees.

Rule 43. No trees shall be cut by the lessees of state lots to make room for the erection of cottages or other buildings without permission of the conservation commissioner or his authorized agent.

Duty of lessees
as to woods, refuse,
etc.

Rule 44. Lessees of state lands or state lots shall keep the woods and poisonous vines cut on their leases and shall keep their lots, cottages and other buildings free from rubbish, garbage and all other unsightly things.

Oils, gasoline and other inflammable substances shall be stored in such a manner as not to endanger cottages and their occupants, or other property either on or off the state land.

Limitation of speed
of water craft in
canal.

Rule 45. Boats running in any canal connecting with a reservoir park, shall limit their speed while in the canal to four miles per hour and parties operating boats, and water craft of all kind, upon any state reservoir, dedicated and set apart as a public park and pleasure resort, shall limit the speed thereof to five miles an hour when

ance of roads within the limits of such park, and for the development of such park; No money may be appropriated for expenditures beyond the territorial limits of such county (P. L. 1925).

Alteration of roads leading to parks.

Whenever a public road or highway within a park or public ground, title to which is vested in the State, is laid out, located, relocated, altered or vacated in such manner that a public road or highway approaching, leading to or contiguous to such park or public ground becomes useless, inconvenient or burdensome, the same may be altered, relocated, or vacated by the officers charged with its maintenance for the purpose of making it convenient and suitable as an approach to the roads within the park or public grounds, upon the consent and agreement of: (a) the commissioners or officers charged with the care and management of the park or public grounds; (b) the officials charged with the duty of maintaining the roads or highways; and (c) the owners of the majority of the frontage of land abutting upon the relocated portion of the roads or highway approaching, leading into or contiguous to the public or park grounds. Such road or highway, when altered or relocated, to be maintained and repaired in the same manner as township roads (P. L. 1919, 1931).

Park roads.

The Department of Highways, with the approval of the Governor, may build, rebuild, construct, and maintain that portion of any or all roads running through or over the lands of any State park; the cost and expense to be paid out of any moneys appropriated to the Department of Highways for the construction, reconstruction or maintenance of State highways (P. L. 1927).

No race discrimination.

All persons within the jurisdiction of the Commonwealth are entitled to the full and equal accommodations, advantages, facilities, and privileges of any places of public accommodation, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons (P. L. 1887, 1935).

Hunting in parks prohibited.

It is unlawful for any person at any time of the year to discharge a shotgun, rifle or firearm of any description, except in defense of person or property, or by written consent of the owner or person controlling the same, upon the grounds belonging to or connected with and controlled by those operating a public or private park or resort, set apart to the use of the public either free or otherwise, and upon which human beings congregate in the open in quest of health, recreation or pleasure -- such lands being surrounded by a marker, either a fence or single wire or a marker of any description that will clearly designate the boundaries thereof, and a line of notices printed upon

excess of revenues derived for school purposes, except upon resolution of the park board advising the school board of its willingness to contribute the necessary funds for the maintenance of such additional schools;

Encourage summer homes; leases.

To encourage the erection of summer cottages and summer homes, may make term permits or leases for such purposes, but no lease may be made on the slopes of Sylvan Lake or within view of the Lake; the minimum rental for a site to be \$10 annually, and the Board may cancel the lease in case of failure to comply with such permit or lease, or to pay the rental. No leases may be made for homes along the highway but only upon locations designated by the Board;

Sale of timber.

May contract for and sell timber on any of the State lands in the Park, but not in excess of 100,000 lumber feet in any one year. No trees may be cut adjacent to the highway, except as may be necessary to improve the appearance of growing conditions. Proceeds derived from the sale of timber are to be placed in the General Fund of the State, except where such timber is from school land, in which case the proceeds are to be credited to the permanent school fund and applied to the purchase price of said land;

Superintendent.

Is directed to employ a Superintendent to care for the park property, manage and execute park enterprises and activities, direct and supervise other employees, and perform such other duties as the Board requires. The Board may also employ such other personnel as may be necessary, including a park Forester, or the Superintendent may be required to act as such;

Park Forester.

Rules and regulations.

Game warden.

May make and enforce necessary rules and regulations, and designate one or more employees as game wardens to enforce the provisions of the Act or any of the laws of the State;

Annual reports to Governor.

Must annually file with the Governor a report of all funds received from any source during the preceding year and a statement of all moneys paid out; including a report of all lands purchased, the price paid therefor, the lands rented and rental paid therefor; also a detailed report of all property sold or disposed of and the price received therefor.

State-wide park plan.

Is directed to formulate and recommend a State-wide plan for a State park system, embracing the different scenic and recreational areas in different sections of the State and report to the next Legislature.

Hunting regulated.

Hunting, trapping, killing or capturing game animals or game birds within the boundaries of the park is unlawful except under such regulations as may be prescribed by the Board. It is also unlawful to carry firearms therein or permit dogs to run at large.

Firearms; dogs.

Exhibit 201

FEDERAL REGISTER, June 27, 1936

791

(e) Saddle, pack, or draft animals shall not be kept in or near any camping area. No such animals shall be kept on the floor of Yosemite Valley except in the operator's corral.

(f) Only in areas designated by the park superintendent may campers use any dead or fallen timber for fuel, except that Sequoia wood or bark shall not be disturbed for any purpose.

(g) The installation of permanent camping facilities by visitors is prohibited in all parks and monuments. The digging or leveling of the ground in any camp site without a ranger's permission is prohibited.

(h) Camps must be completely razed and the sites cleaned before the departure of campers. In dismantling camps, all material, such as poles, bark, planks, platforms, etc., used in construction of temporary camps must be removed, and, if combustible, must be piled on the public camp woodpiles.

(i) Campers shall not leave their camps unattended for more than 48 hours without special permission of the superintendent, obtained in advance. Camping equipment left unattended in any public camping area for 48 hours or more is subject to removal by order of the superintendent, the expense of such removal to be paid by the person or persons leaving such equipment.

(j) No camp may be established in a park or monument and used as a base for hunting outside such park or monument.

(k) No camp shall be placed within 25 feet of any well-defined water course, water hydrant, or main road.

(l) Any article likely to frighten horses shall not be hung near a road or trail used by horses.

(m) The superintendents or custodians may, with the approval of the Director of the National Park Service, establish hours during which quiet must be maintained at any camp, and prohibit the running of motors at or near a camp during such hours.

(n) In Hot Springs National Park, the superintendent may establish the hours during which bathing will be permitted in the pool.)

(n) No visitors shall be permitted to camp within the canyon in Canyon de Chelly National Monument.

(o) No camping is permitted in any part of the Muir Woods National Monument, and no hikers or visitors shall enter or remain therein between one-half hour after sunset and one-half hour before sunrise.

3. *Picnicking*.—Picnicking or the eating of lunches is prohibited in restricted areas designated by the superintendent.

4. *Use of park waters*.—In Platt National Park the superintendent may, whenever it becomes necessary to do so, restrict the use of the waters of any of the springs in the park to immediate drinking purposes at such springs.

5. *Sanitation*.—(a) Garbage, papers, or refuse of any kind shall not be thrown or left on or along roads, in camping or picnic areas, or on any other park or monument lands.

(b) All comfort stations shall be used in a clean and sanitary manner.

(c) Contamination of watersheds, of water supplies, or of any water used for drinking purposes is strictly prohibited.

6. *Fires*.—Fires shall not be kindled near or on the roots of trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on rocks or earth. On public campgrounds the regular fireplaces constructed for the convenience of visitors must be used. Should camp be made in a locality where no such open space exists or is provided, the dead wood, moss, dry leaves, etc., shall be scraped away to the rock or earth over an area considerably larger than that required for the fire.

Fires shall be lighted only when necessary and, when no longer needed, shall be completely extinguished, and all embers and beds smothered with earth or water, so that there remains no possibility of reignition.

Permission to burn on any cleanup operation within the parks or monuments must first be obtained in writing from the office of the superintendent or custodian, and in such cases as it is deemed advisable such burning will be under Government supervision. All costs of suppression and all

damage caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.

No lighted cigarette, cigar, pipe heel, match, or other burning material shall be thrown from any vehicle or saddle horse or dropped into any grass, leaves, twigs, tree mold, or other combustible or inflammable material.

Smoking or the building of fires on any lands within the parks or monuments may be prohibited or limited by the superintendent or custodian when, in his judgment, the hazard makes such action necessary.

All persons making trips away from established camps are required to obtain written fire permits from the nearest ranger before building camp fires.

The use of fireworks or firecrackers in the parks and monuments is prohibited, except with the written permission of the superintendent or custodian.

7. *Protection of wildlife*.—The parks and monuments are sanctuaries for wildlife of every sort, and all hunting, or the killing, wounding, frightening, capturing, or attempting to capture at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of the parks and monuments.

Unauthorized possession within a park or monument of the dead body or any part thereof of any wild bird or animal shall be *prima facie* evidence that the person or persons having the same are guilty of violating this regulation.

During the hunting season arrangements must be made at entrance stations to identify and transport through the parks and monuments, where necessary, the carcasses of birds or animals legally killed outside the parks and monuments. Failure to make such arrangements shall be deemed a violation of this regulation.

8. *Firearms, etc.*.—Firearms, explosives, traps, seines, and nets are prohibited within the parks and monuments, except upon written permission of the superintendent or custodian. Visitors entering or traveling through the parks and monuments to places beyond shall, at entrance, report and, if required to do so, surrender all such objects in their possession to the first park or monument officer, and, in proper cases, may obtain his written permission to carry them through the park or monument sealed. Failure to obtain such written permission shall be deemed a violation of this regulation. The Government assumes no responsibility for the loss of, or damage to, any such objects so surrendered to any park or monument officer, nor are park or monument officers authorized to accept the responsibility or custody of any other property for the convenience of the visitors.

9. *Fishing*.—Persons desiring to fish in the waters of the Yosemite, Sequoia, Lassen, General Grant, Grand Canyon, Grand Teton, Acadia, Wind Cave, Great Smoky Mountains, Mammoth Cave, and Zion National Parks, and the national monuments under the jurisdiction of the National Park Service must secure a sporting fishing license, as required by the laws of the state in which such park or monument is situated. All fishing in such parks and monuments must be done in conformity with the laws of the state regarding open seasons, size of fish, and the limit of catch, except as otherwise provided in the following paragraphs, which are applicable to all parks and monuments:

Fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in hand, is prohibited.

Fishing in particular waters may be suspended, or restricted in regard to the use of particular kinds of bait, when the superintendent or custodian, with the approval of the Director of the National Park Service, shall determine such suspension or restriction necessary and shall post such restrictions or suspensions.

The number of fish that may be taken by one person in any one day from the various lakes and streams may be regulated by the superintendent or custodian, with the approval of the Director of the National Park Service. Unless otherwise determined and posted, the number shall be

Exhibit 202

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T R E A T I S E
O F T H E
P L E A S O F T H E C R O W N ;
O R *Mr Campbell*
A S Y S T E M
O F T H E
P R I N C I P A L M A T T E R S R E L A T I N G T O T H A T S U B J E C T ,
D I G E S T E D U N D E R P R O P E R H E A D S .
By W I L L I A M H A W K I N S ,
S E R J E A N T A T L A W .

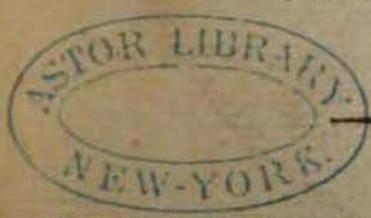
T H E S E V E N T H E D I T I O N :

In which the Text is carefully collated with the original Work ; the marginal References corrected ; new References from the modern Reporters added ; a Variety of *Manuscript Cases* inserted ; and the whole enlarged by an Incorporation of the several Statutes upon Subjects of Criminal Law, to the THIRTY-FIFTH YEAR OF G E O R G E T H E T H I R D . To which an Explanatory Preface is prefixed, and new and copious Indexes are subjoined.

By T H O M A S L E A C H , Esq.
O F T H E M I D D L E T E M P L E , B A R R I S T E R A T L A W .

I N F O U R V O L U M E S .

V O L . I .



L O N D O N :

P R I N T E D F O R G . G . A N D J . R O B I N S O N , P A T E R N O S T E R - R O W ; A N D
J . B U T T E R W O R T H , F L E E T - S T R E E T ,

1795.

Ch. 6. AGAINST RELIGION.

21

III. DRUNKENNESS.

Seet. 30. By 4. Jac. 1. c. 5. "All and every person and Persons con-
" persons who shall be drunk, and of the same offence of vieted of
" drunkenness shall be lawfully convicted, shall, for every drunkenness
" such offence, forfeit and lose five shillings, to be paid shall forfeit
" within one week after conviction, to the churchwardens of five shillings.
" the parish where the offence shall be committed, for the 1. Jac. 1. c. 9.
" use of the poor; and on refusal or neglect to pay the 4. Jac. 1. c. 3.
" same, it may be levied by warrant, or precept, from the 7. Jac. 1. c. 10.
" convicting magistrate; or, if the offender shall be unable 21. Jac. 1. c. 7.
" to pay the same, he shall be committed to 1. Car. 1. c. 4. Cro. Ca. 28^s
" to pay the same, he shall be committed to THE STOCKS 1. Burn. 40.
" by the space of six hours for every offence."

IV. REVILING THE SACRAMENT.

Seet. 31. By the statute 1. Edw. 6. c. 1. repealed by Persons revil-
1. Mary, c. 2. and revived by 1. Eliz. c. 1. it is enacted, ing the sacra-
" that whoever shall deprave, despise, or contemn the blef-
" sed sacrament of the Lord's Supper, in contempt thereof, ment of the
" by contemptuous words, or by any words of depraving, Lord's Supper
" despising, or reviling; or shall advisedly in any other wise shall suffer
" contemn, despise, or revile the said most blessed sacra- imprisonment.
" ment, shall suffer imprisonment, and make fine and ran-
" som at the king's will and pleasure."

Seet. 32. By 3. Jac. 1. c. 21. "Whoever shall use the To ridicule
" name of the Holy Trinity profanely or jestingly, in any the Holy Tri-
" stage play, interlude, or show, shall be liable to a qui tam nty incurs a
" penalty of ten pounds."

Seet. 33. By 1. Will. 3. c. 18. s. 17. "Whoever shall Penalty on de-
" deny in his preaching or writing the doctrine of the ving the Tri-
" blessed Trinity shall lose all benefit of the act for grant- nity.
" ing toleration, &c."

Seet. 34. I shall not mention the offences against 2. & 3. Feasts and
Edw. 6. c. 19. & 5. Eliz. c. 5, relating to fasts and feasts. 2. Burn. 185,
days, because it is expressly declared, that those statutes are 186.
enacted merely on a political account; and it is made penal
to affirm that any eating of fish, or forbearing of flesh men-
tioned therein, is necessary to salvation, or that it is the
service of God.

CHAPTER THE SEVENTH.

OR OFFENCES AGAINST THE COMMON PRAYER.

OFFENCES against THE ESTABLISHED CHURCH are, such as concern all persons in general; such as more immediately relate to those of the Popish religion; and such as more immediately regard Protestant dissenters.

Those which concern all persons in general are, FIRST, Against the Common Prayer. SECONDLY, Nonconformity. THIRDLY, In teaching school without conforming to the church. FOURTHLY, In not coming to church.

I. OFFENCES AGAINST THE COMMON PRAYER.

4. Comm. 50. *See* 1. As to which it is to be observed, That by 2. 1. Lev. 195. & 3. Edw. 6. c. 1. & 6. Edw. 6. c. 1. which were repealed Can. 5, 6, 7. by 1. Mary 2. c. 2. and revived by 1. Eliz. c. 2. THE COMMON PRAYER Book was first established under severe penalties; but the same penalties being repeated and enlarged by 1. Eliz. c. 2. and 13. & 14. Car. 2. c. 4, which enacts the use of the same Common Prayer with some alterations, those statutes of Edward the sixth seem, at this day, to be of little use.

Form of the
indictment,
3. Mod. 78.

See 2. By 1. Eliz. c. 2. s. 4, 5, 6. "If any parson, " vicar, or other whatsoever minister, that ought to say the " said Common Prayer, &c. shall refuse to use it in such " church, &c. or other place where he should use to mi- " nister the same, or wilfully or obstinately standing in the " same, use any other form, or speak any thing in dero- " gation of the said book, or any thing therein contained, " he forfeits for the first offence one year's profit of all his " spiritual promotions, and shall suffer six months impri- " sonment; and for the second offence shall be deprived, " &c."

In the construction of this act it has been resolved,

Dyer 103.
1. Leo. 195.

See 3. FIRST, that under the words " parson, vicar, " or other whatsoever minister, that ought or should say " the said Common Prayer, &c." those clergymen who have no cure are included, as much as those who have one, and that they are punishable for using any other form, &c. inasmuch as by their ordination they are obliged to officiate in the offices of the church, &c. and it is said that they are sufficiently shewn to be in holy orders by the word *clericus* in an indictment.

See 2.

Exhibit 203



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William Waller Hening. Virginia Justice, Comprising the Office and Authority of a Justice of the Peace, in the Commonwealth of Virginia. Together with a Variety of Useful Precedents, Adapted to the Laws Now in Force. To Which Is Added, an Appendix, Containing All the Most Approved Forms in Conveyancing: Such as Deeds of Bargain and Sale, of Lease and Release, of Trust, Mortgages, Bills of Sale, &c. Also, the Duties of a Justice of the Peace, Arising under the Laws of the United States (4).

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Chicago 17th ed.

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McGill Guide 9th ed.

William Waller Hening, Virginia Justice, Comprising the Office & Authority of a Justice of the Peace, in the Commonwealth of Virginia. Together with a Variety of Useful Precedents, Adapted to the Ls Now in Force. To Which Is Added, an Appendix, Containing All the Most Approved Forms in Conveyancing: Such as Deeds of Bgain & Sale, of Lease & Release, of Trust, Mortgages, Bills of Sale, &c. Also, the Duties of a Justice of the Peace, Arising under the Ls of the United States (Richmond: Printed for the author, Shepherd & Pollard, printers., 4)

AGLC 4th ed.

William Waller Hening, Virginia Justice, Comprising the Office and Authority of a

common law, and is strictly prohibited by statute: for, it is enacted, "That no man, great nor small, of what condition soever he be, except the ministers of justice, in executing the precepts of the courts of justice, or in executing of their office, and such as be in their company assisting them, be so hardy to come before the justices of any court, or either of their ministers of justice, doing their office, with force and arms, on pain to forfeit their armour to the commonwealth, and their bodies to prison, at the pleasure of a court; nor go nor ride armed, by night nor by day, in fairs or markets, or in other places, in terror of the country, upon pain of being arrested and committed to prison by any justice, on his own view, or proof by others, there to abide for so long a time as a jury, to be sworn for that purpose by the said justice, shall direct, and in like manner to forfeit his armour to the commonwealth; but no person shall be imprisoned for such offence by a longer space of time than one month." *1 Rev. Code of 1819, c. 140.* (From 2 Ed. 3, c. 3.)

4. No person is within the intention of the law, who arms himself to suppress dangerous rioters, enemies, &c. and disturbers of the peace of the commonwealth. *Haw. B. 1, c. 63, s. 10.*

5. Nor unless such wearing be accompanied with such circumstances as are apt to terrify the people; consequently, the wearing of common weapons, or having the usual number of attendants, merely for ornament or defence, where it is customary to make use of them, will not subject a person to the penalties of this act. *Ibid. s. 9.*

6. A man cannot excuse the wearing such armour in public, by alleging, that such a one threatened him, and that he wears it for the safety of his person from his assault; but no one shall incur the penalty of the statute for assembling his neighbors and friends in his own house, against those who threaten to do him any violence therein, because a man's house is his castle. *Ibid. s. 8.*

7. Any justice of the peace, or other person, empowered to execute this act, may proceed thereon *ex officio*; and if he find any person in arms, contrary to the form of the statute, he may seize the arms, and commit the offender to prison; and he ought also to make a record of the whole proceeding, and certify the same to the next county court. *Ibid. s. 5.*

But in exercising this office, the act of Assembly of Virginia materially differs from the act of Parliament of 2 Edw. 3, and is certainly a very great improvement on it; being more favourable to liberty. *There* the duration of the imprisonment is unlimited, but *here* it cannot exist, by law, for a longer space of time than one month, nor even that length of time, unless sanctioned by the verdict of a jury. It seems, then, that as soon as a justice of the peace has apprehended an offender against the latter part of this act, either from his own view, or proof by others, he should issue his warrant, directing a jury to be summoned, to determine what length of time (less than one month) the party should be imprisoned.

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COMMENTARIES

ON THE

Laws of England:

BY THE LATE

SIR W. BLACKSTONE.

— — —

A NEW EDITION, WITH PRACTICAL NOTES,

BY JOSEPH CHITTY, Esq.

BARRISTER AT LAW.

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IN FOUR VOLUMES.

VOL. I.

— — —

LONDON:

PRINTED FOR WILLIAM WALKER, STRAND; COWIE, LOW, AND CO. POULTRY;
CHALMERS AND COLLINS, GLASGOW; J. PARKER, OXFORD; DEIGHTON AND
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AND MILLIKIN, DUBLIN; AND WAUGH AND INNES, EDINBURGH.

MDCCCXCVI.

CHAP. I.—ABSOLUTE RIGHTS OF INDIVIDUALS.

142

ther his majesty, nor his privy council, have any jurisdiction, power, or authority by English bill, petition, articles, libel (which were the course of proceeding in the starchamber, borrowed from the civil law), or by any other arbitrary way whatsoever, to examine, or draw into question, determine, or dispose of the lands or goods of any subjects of this kingdom ; but that the same ought to be tried and determined in the ordinary courts of justice, and by *course of law*.

4. If there should happen any uncommon injury, or infringement [143] of the rights before mentioned, which the ordinary course of law is too defective to reach, there still remains a fourth subordinate right, appertaining to every individual, namely, *the right of petitioning the king, or either house of parliament*, for the redress of grievances. In Russia we are told^y that the czar Peter established a law, that no subject might petition the throne, till he had first petitioned two different ministers of state. In case he obtained justice from neither, he might then present a third petition to the prince ; but upon pain of death if found to be in the wrong. The consequence of which was, that no one dared to offer such third petition ; and grievances seldom falling under the notice of the sovereign, he had little opportunity to redress them. The restrictions, for some there are, which are laid upon petitioning in England, are of a nature extremely different ; and while they promote the spirit of peace, they are no check upon that of liberty. Care only must be taken, lest, under the pretence of petitioning, the subject be guilty of any riot or tumult ; as happened in the opening of the memorable parliament in 1640 : and, to prevent this, it is provided by the statute 13 Car. II. st. 1. c. 5. that no petition to the king, or either house of parliament, for any alteration in church or state, shall be signed by above twenty persons, unless the matter thereof be approved by three justices of the peace, or the major part of the grand jury, in the country ; (18) and in Lon-

^y Montesq. Sp. L. xii. 26.

(18) Which the grand jury may do either at the assizes or sessions. The punishment for an offence against this act, is a fine to any amount not exceeding 100*l.* and imprisonment for three months. At the trial of lord George Gordon, the whole court, including lord Mansfield, declared that this statute was not affected by the bill of rights. 1 Wm. & M. st. 2. c. 2. (see Douglas, 571.) But Mr. Dunning, in the house of commons, contended, " that it was a clear and fundamental point in the constitution of this country, that

the people had a right to petition their representatives in parliament, and that it was by no means true that the number of names signed to any such petition was limited. To argue that the act of Charles was now in force, would be as absurd as to pretend that the prerogative of the crown still remained in its full extent, notwithstanding the declaration in the bill of rights." See New An. Reg. 1781. V. 2. And the acknowledged practice has been consistent with this opinion.

The state of disturbance and political

don by the lord mayor, aldermen, and common council: nor shall any petition be presented by more than ten persons at a time. But, under these regulations, it is declared by the statute 1 W. & M. st. 2. c. 2. that the subject hath a right to petition; and that all commitments and prosecutions for such petitioning are illegal.

5. The fifth and last auxiliary right of the subject, that I shall at present mention, is that of having arms for their defence, suitable to their condition and degree, and such as are allowed by law. Which is also declared by the same statute 1 W. & M. st. 2. c. 2. and it is indeed a public allowance under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression. (19)

In these several articles consist the rights, or, as they are frequently termed, the liberties of Englishmen: liberties, more generally talked of than thoroughly understood; and yet highly necessary to be perfectly known and considered by every man of rank or property, lest his ignorance of the points whereon they are founded should hurry him into faction and licentiousness on the one hand, or a pusillanimous indifference and criminal submission on the other. And we have seen that these rights consist, primarily, in the free enjoyment of personal security, of personal liberty, and of private property. So long as these remain inviolate, the subject is perfectly free; for

excitement in which this kingdom was involved several years, after the peace of 1815, produced further regulations and restrictions of the right of petitioning. The people in the manufacturing districts having little employment, from the general stagnation of trade, devoted themselves with intense ardour to political discussions, and in some places the partisans of reform presuming that their demands would not be conceded to their petitions, were preparing for the alternative of open force. In these circumstances the legislature thought fit to forbid all public meetings (except county meetings called by the lord-lieutenant or the sheriff), which consisted of more than fifty persons, unless in separate townships or parishes, by the inhabitants thereof, of which six days' previous notice must be given to a justice of the peace, signed by seven resident householders. See 60 Geo. III. c. 6. The act also provides for the dissolution

of any public meeting by proclamation of a chief civil officer of the place, and persons refusing to depart, are liable to seven years' transportation. Persons attending such meetings with arms, bludgeons, flags, banners, &c. are subject to fine and imprisonment for any term not exceeding two years.

But as the mischief was temporary, the restrictions upon the right of meeting to deliberate upon public measures were limited in their duration, and have mostly expired. Those enactments which were designed to prevent such meetings from being perverted to objects manifestly dangerous to the peace of the community, only continuing in force.

(19) See the statute 60 Geo. III. c. 1 & 2., passed to prevent the training of persons to the use of arms, and authorizing justices to seize arms he believes are in possession of any persons for dangerous purposes.

Exhibit 205

THE
Justice of the Peace,
AND
PARISH OFFICER.

BY RICHARD BURN, LL.D.

FORMERLY CHANCELLOR OF THE DIOCESE OF CARLISLE.

A NEW EDITION:

WITH CORRECTIONS AND ADDITIONS TO THE LATEST PERIOD.

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SERJEANT AT LAW.

THE BEST OF THE WORK

BY EDWARD VAUGHAN WILLIAMS,
BARRISTER AT LAW.

Dr. Burn has great merit: He has done great service, and deserves great
commendation.—*Per Lord MANSFIELD C.J.* *Burr. S. C. 548.*

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1836.

§ II. (1.) Alehouses (*Retail Sale of Beer, &c.*)

15

surer of the county or place, in and for which such justices whose judgment shall have been so reversed shall have acted on the occasion when they shall have given such judgment, shall pay to such justices, or whomsoever they shall appoint, such sum as shall in the opinion of such court be sufficient to indemnify such justices from all costs and charges whatsoever to which such justices may have been so put; and the said treasurer is hereby authorized to pay the same, which shall be allowed to him in his accounts."

§ 18. "In every case in which any appeal shall be made, by any person convicted of any offence under the provisions of this act, to the general session or quarter session, it shall be lawful for the convicting justices, if no other fit and proper person shall appear to prosecute such charge and to carry on such proceedings as may be necessary to obtain at such session an adjudication thereon, to order that the constable or other peace officer of the parish or place in which shall be situate the house kept by the person charged shall carry on all proceedings necessary to obtain such adjudication as aforesaid, and to bind such constable or other peace officer in a sufficient recognizance so to do; and it shall be lawful for the justices, before whom such offender shall have been convicted, to order the treasurer of the county or place in and for which such justices shall then act to pay to such constable or other peace officer, and to the witness or witnesses on his behalf, such sum or sums of money as to the court shall appear to be sufficient to reimburse such constable or other peace officer, and such witness or witnesses respectively, the expenses that he or they shall have been severally put to in and about such prosecution, which order the clerk of the peace is hereby directed and required forthwith to make out and to deliver to such constable or other peace officer, or to such witness or witnesses; and the said treasurer is hereby authorized and required, upon sight of such order, forthwith to pay to such constable or other peace officer, or other person authorized to receive the same, such money as aforesaid, and the said treasurer shall be allowed the same in his accounts."

§ 19. "In case any person licensed under this act shall be convicted of any offence against this act, and shall not pay the penalty incurred by such conviction, it shall be lawful for the justices convicting such offender, after the expiration of one calendar month next after such conviction, to summon any surety or sureties named in the bond entered into and executed by such person and his surety or sureties at the time of obtaining his licence, to appear before the said justices, and shew cause why the penalty mentioned in such bond should not be paid by such surety or sureties, or so much thereof as shall be sufficient to pay any penalty incurred by the party licensed, or to satisfy so much of such penalty so incurred as shall remain unpaid; and in case any such surety shall not shew any sufficient cause to the contrary, it shall be lawful for such justices to adjudge that such penalty, if not paid, or so much thereof as aforesaid, shall be paid by such surety within fourteen days; and in case such penalty, or so much thereof as aforesaid, shall not be paid within fourteen days, it shall be lawful for such justices, if they shall think fit, to issue their warrant, and to levy the amount of such penalty, or so much thereof as aforesaid, by distress and sale of the goods and

Proceedings at the session in certain cases to be carried on by the petty constable.

Expenses of prosecution to be charged on county rates.

In default of payment of penalties, proceedings may be had against the sureties.

1 W. 4. c. 64.

chattels of such surety, together with the costs of such distress and sale; and the certificate of the commissioners of excise, or their officer, or other persons by this act authorized to grant any licence, of the date of such bond, and the names and descriptions of the surety or sureties in such bond, shall be sufficient evidence of such bond, and of the contents and execution thereof, against any surety or sureties, in any proceedings under this act."

Penalty on witnesses not attending.

§ 20. "Any person summoned as a witness to give evidence before any justices or sessions touching any of the matters aforesaid, either on the part of the complainant or of the person accused, who shall neglect or refuse to appear at the time and place for that purpose appointed, and who shall not make such reasonable excuse for such neglect or refusal as shall be admitted and allowed by such justices or sessions, or who appearing shall refuse to be examined on oath or affirmation and give evidence, shall, on conviction before such justices, forfeit and pay for every such offence any sum not exceeding 10l."

Penalties may be levied by distress.

§ 21. "In every case in which, under the authority of this act, any justices shall adjudge that any offender shall pay or cause to be paid any penalty, and such offender shall refuse or neglect, within seven days after his conviction, to pay such penalty, and any costs which shall have been duly assessed and ascertained by such justices, it shall be lawful for such justices, if they shall think fit, to issue their warrant, and to levy the amount of such penalty and costs by distress and sale of the goods and chattels of such offender, together with the costs of such distress and sale; and in every such case such offender, if in custody at the time that such warrant shall be so issued, shall be forthwith discharged; but if it shall appear to such justices that the goods and chattels of such offender are not sufficient whereon to levy such distress, together with the costs of such distress and sale, it shall be lawful for such justices to commit the offender to the common gaol or to the house of correction of the county or place for which such justices shall be then acting, for any term not exceeding one calendar month if the penalty shall not be above 5l., for any term not exceeding three calendar months if the penalty shall be above 5l. and shall not be more than 10l., and for any term not exceeding six calendar months if the penalty shall be above 10l.: Provided nevertheless, that whenever such offender shall have been committed to the common gaol or house of correction in consequence of his not having duly paid such penalty and costs, if such offender shall pay or cause to be paid to the gaoler or keeper of the house of correction, or to whomsoever such justices shall have appointed, the penalty imposed, and costs, together with all the costs of the apprehension of him and of the conveyance of him to the said gaol or house of correction, at any time previous to the expiration of the time for which such offender shall so have been committed, such offender shall be forthwith discharged."

If offender have not sufficient goods whereon to levy, justices may commit him.

Proviso for offenders paying penalties, &c. to gaoler.

Application of penalties.

§ 22. "Any justices before whom any penalty shall be recovered under the provisions of this act shall award, if they shall think fit, any portion of the same, not in any case exceeding one moiety thereof, to the use of the prosecutor, and the remainder, or in case no part of such penalty shall be awarded to the prosecutor, then the whole of such penalty shall

Exhibit 206

JUDGE AND JURY

A POPULAR EXPLANATION
OF
LEADING TOPICS IN THE LAW OF THE LAND

BY

BENJAMIN VAUGHAN ABBOTT



NEW YORK
HARPER & BROTHERS, FRANKLIN SQUARE

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1881. Jun. 31,

Summer time.

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CHAPTER XXXIII.

FIREARMS AND FIREWORKS.

So many calamities and fatal accidents arise from careless use of gunpowder that the legal responsibility for those who use or misuse firearms or fireworks has been steadily growing more strict.

THE RIGHT TO BEAR ARMS.

There is an important distinction between firearms and fireworks. Some general knowledge of firearms is important to the public welfare; because it would be impossible, in case of war, to organize promptly an efficient force of volunteers unless the people had some familiarity with weapons of war. The Constitution secures the right of the people to keep and bear arms. No doubt, a citizen who keeps a gun or pistol under judicious precautions, practises in safe places the use of it, and in due time teaches his sons to do the same, exercises his individual right. No doubt, a person whose residence or duties involve peculiar peril may keep a pistol for prudent self-defence. But these are very different habits from keeping pistols for playthings; carrying them carelessly in the pocket; toying with them at picnics, on board steamers, and in saloons; exhibiting them to curious girls; lending them to boys; firing at random with them upon city sidewalks. These are practices upon which every good citizen will frown, and which the law of the land is every year more explicitly discouraging. For grown men to use pistols as playthings should be everywhere rebuked. They should be firmly refused to children. Carrying them for defence, in the more settled parts of the land, savors of cowardice rather than of prudence; a well-behaved man has less to fear